

As Passed by the Senate

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

Senators Bacon, Burke, Coley, Faber, Oelslager, Peterson

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A B I L L

To amend sections 7.10, 7.16, 9.37, 9.482, 9.90, 1
9.91, 103.63, 118.27, 121.084, 122.12, 122.121, 2
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to amend for the purpose of codifying and changing	50
the number of Section 323.280 of Am. Sub. H.B. 59	51
of the 130th General Assembly to section 5165.157	52
of the Revised Code; to enact sections 5.074,	53
5.077, 9.54, 9.911, 127.163, 127.164, 164.261,	54

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5103.05, 5103.051, 5119.401, 5122.36, 5123.0420, 62
5139.12, 5139.45, and 5155.28; to repeal sections 63
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Code; to amend Sections 207.10, 209.30, 221.10, 66
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365.10, 395.10, 403.10, 512.70, 512.80, and 751.10 72
of Am. Sub. H.B. 59 of the 130th General Assembly; 73
to amend Sections 207.100, 207.250, 207.340, 74
207.440, 223.10, 239.10, 253.330, 269.10, and 75
701.50 of Am. H.B. 497 of the 130th General 76
Assembly; to amend Section 9 of Am. Sub. S.B. 206 77
of the 130th General Assembly; and to repeal 78
Section 747.40 of Am. Sub. H.B. 59 of the 130th 79
General Assembly to make operating and other 80
appropriations and to provide authorization and 81
conditions for the operation of state programs and 82
to repeal section 5101.345 of the Revised Code on 83
the first day of the forty-ninth month after its 84
effective date. 85

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

Section 101.01. That sections 7.10, 7.16, 9.37, 9.482, 9.90, 86
9.91, 103.63, 118.27, 121.084, 122.12, 122.121, 122.861, 124.32, 87
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5713.012, 5713.08, 5715.19, 5715.27, 5717.01, 5727.111, 5739.05, 120
5739.09, 5747.02, 5747.025, 5747.50, and 5747.71 be amended; 121
Section 323.280 of Am. Sub. H.B. 59 of the 130th General Assembly 122
be amended and codified as section 5165.157 of the Revised Code; 123
and sections 5.074, 5.077, 9.54, 9.911, 127.163, 127.164, 164.261, 124
175.053, 193.01, 193.02, 193.03, 193.04, 193.05, 193.07, 193.09, 125
193.11, 193.13, 306.14, 307.678, 307.6910, 307.863, 341.121, 126
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4730.093, 4731.77, 4741.49, 4758.48, 4758.62, 4758.63, 4758.64, 129
5101.345, 5101.90, 5103.05, 5103.051, 5119.401, 5122.36, 130
5123.0420, 5139.12, 5139.45, and 5155.28 of the Revised Code be 131
enacted to read as follows: 132

Sec. 5.074. The Ohio Veterans Memorial and Museum, located in 133
Franklin county at the site described in division (B) of section 134
307.6910 of the Revised Code, is the official state veterans 135
memorial and museum. 136

Sec. 5.077. The museum located on the grounds of the Ohio 137
state reformatory, operated by the Mansfield reformatory 138
preservation society, is the official state penal museum. 139

Sec. 7.10. For the publication of advertisements, notices, 140
and proclamations, except those relating to proposed amendments to 141
the Ohio Constitution, required to be published by a public 142
officer of the state, a benevolent or other public institution, a 143
trustee, assignee, executor, or administrator, or by or in any 144
court of record, except when the rate is otherwise fixed by law, 145
publishers of newspapers may charge and receive for such 146
advertisements, notices, and proclamations rates charged on annual 147

contracts by them for a like amount of space to other advertisers 148
who advertise in its general display advertising columns. 149

For the publication of advertisements, notices, or 150
proclamations required to be published by a public officer of a 151
county, municipal corporation, township, school, or other 152
political subdivision, publishers of newspapers shall establish a 153
government rate, ~~which shall include free publication of~~ 154
~~advertisements, notices, or proclamations on the newspaper's~~ 155
~~internet web site, if the newspaper has one.~~ The government rate 156
shall not exceed the lowest classified advertising rate and lowest 157
insert rate paid by other advertisers. 158

Legal advertising appearing in print, except that relating to 159
proposed amendments to the Ohio Constitution, shall be set up in a 160
compact form, without unnecessary spaces, blanks, or headlines, 161
and printed in not smaller than six-point type. The type used must 162
be of such proportions that the body of the capital letter M is no 163
wider than it is high and all other letters and characters are in 164
proportion. 165

Except as provided in section 2701.09 of the Revised Code, 166
all legal advertisements ~~or~~, notices, and proclamations shall be 167
printed in a newspaper of general circulation and shall be posted 168
by the publisher of the newspaper on the newspaper's internet web 169
site, if the newspaper has one. A publisher of a newspaper shall 170
not charge for posting legal advertisements, notices, and 171
proclamations that are required by law to be published in a 172
newspaper of general circulation on the newspaper's internet web 173
site. 174

Sec. 7.16. (A) As used in this section: 175

(1) "State agency" means any organized body, office, agency, 176
institution, or other entity established by the laws of the state 177
for the exercise of any function of state government, including 178

state institutions of higher education, as defined in section 179
3345.011 of the Revised Code. 180

(2) "Political subdivision" has the meaning defined in 181
section 2744.01 of the Revised Code. 182

(B) If a section of the Revised Code or an administrative 183
rule requires a state agency or a political subdivision to publish 184
a notice or advertisement two or more times in a newspaper of 185
general circulation and the section or administrative rule refers 186
to this section, the first publication of the notice or 187
advertisement shall be made in its entirety in a newspaper of 188
general circulation and may be made in a preprinted insert in the 189
newspaper, but the second publication otherwise required by that 190
section or administrative rule may be made in abbreviated form in 191
a newspaper of general circulation in the state or in the 192
political subdivision, as designated in that section or 193
administrative rule, and on the newspaper's internet web site, if 194
the newspaper has one. The state agency or political subdivision 195
may eliminate any further newspaper publications required by that 196
section or administrative rule, provided that the second, 197
abbreviated notice or advertisement meets all of the following 198
requirements: 199

(1) It is published in the newspaper of general circulation 200
in which the first publication of the notice or advertisement was 201
made ~~and is published on that newspaper's internet web site, if~~ 202
~~the newspaper has one.~~ 203

(2) It is ~~published~~ posted by the publisher of the newspaper 204
on the ~~state~~ official public notice web site established under 205
section 125.182 of the Revised Code. The publisher shall post the 206
required notice or advertisement on the web site at no additional 207
cost. 208

(3) It includes a title, followed by a summary paragraph or 209

statement that clearly describes the specific purpose of the 210
notice or advertisement, and includes a statement that the notice 211
or advertisement is posted in its entirety on the ~~state~~ official 212
public notice web site. The notice or advertisement also may be 213
posted on the state agency's or political subdivision's internet 214
web site. 215

(4) It includes the internet ~~addresses~~ address of the ~~state~~ 216
official public notice web site, ~~and of the newspaper's and state~~ 217
~~agency's or political subdivision's internet web site if the~~ 218
~~notice or advertisement is posted on those web sites,~~ and the 219
name, address, telephone number, and electronic mail address of 220
the state agency, political subdivision, or other party 221
responsible for publication of the notice or advertisement. 222

(C) A notice or advertisement published under this section on 223
an internet web site shall be published in its entirety in 224
accordance with the section of the Revised Code or the 225
administrative rule that requires the publication. 226

(D) If the ~~state~~ official public notice web site established 227
under section 125.182 of the Revised Code is not operational, the 228
state agency or political subdivision shall not publish a notice 229
or advertisement under this section, but instead shall comply with 230
the publication requirements of the section of the Revised Code or 231
the administrative rule that refers to this section. 232

Sec. 9.37. (A) As used in this section, "public official" 233
means any elected or appointed officer, employee, or agent of the 234
state, any state institution of higher education, any political 235
subdivision, board, commission, bureau, or other public body 236
established by law. "State institution of higher education" means 237
any state university or college as defined in division (A)(1) of 238
section 3345.12 of the Revised Code, community college, state 239
community college, university branch, or technical college. 240

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

(C) Such public official may contract with a financial institution for the services necessary to make direct deposits and 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 official requires authorization by a governing board, commission, bureau, or other public body having jurisdiction over the public official, the public official may only make direct deposits and contracts under this section pursuant to a resolution of authorization duly adopted by such governing board, commission, bureau, or other public body.

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

(G) The legislative authority of a municipal corporation, for ~~employees~~ public officials of the municipal corporation, a county auditor, for county ~~employees~~ public officials, or a board of

township trustees, for township ~~employees~~ public officials, may 272
adopt a direct deposit payroll policy under which all ~~employees~~ 273
public officials of the municipal corporation, all county 274
~~employees~~ public officials, or all township ~~employees~~ public 275
officials, as the case may be, provide a written authorization 276
designating a financial institution and an account number to which 277
payment of the ~~employee's~~ public official's compensation shall be 278
credited under the municipal corporation's, county's, or 279
township's direct deposit payroll policy. The direct deposit 280
payroll policy adopted by the legislative authority of a municipal 281
corporation, a county auditor, or a board of township trustees may 282
exempt from the direct deposit requirement those municipal, 283
county, or township ~~employees~~ public officials who cannot provide 284
an account number, or for other reasons specified in the policy. 285
The written authorization is not a public record under section 286
149.43 of the Revised Code. 287

Sec. 9.482. (A) As used in this section, ~~"political:~~ 288

(1) "Political subdivision" has the meaning defined in 289
section 2744.01 of the Revised Code. 290

(2) "State agency" means any organized body, office, agency, 291
institution, or other entity established by the laws of the state 292
for the exercise of any function of state government. The term 293
includes a state institution of higher education as defined in 294
section 3345.011 of the Revised Code. 295

(B)(1) When legally authorized ~~by their respective~~ 296
~~legislative authorities to do so~~, a political subdivision may 297
enter into an agreement with another political subdivision or a 298
state agency whereby a the contracting political subdivision or 299
state agency agrees to exercise any power, perform any function, 300
or render any service for ~~another~~ the contracting recipient 301
political subdivision that the contracting recipient political 302

subdivision is otherwise legally authorized to exercise, perform, 303
or render. 304

~~In (2) When legally authorized to do so, a state agency may 305
enter into an agreement with a political subdivision whereby the 306
contracting political subdivision agrees to exercise any power, 307
perform any function, or render any service for the contracting 308
recipient state agency that the contracting recipient state agency 309
is otherwise legally authorized to exercise, perform, or render. 310~~

(C) In the absence in the agreement of provisions determining 311
by what officer, office, department, agency, or other authority 312
the powers and duties of a contracting political subdivision shall 313
be exercised or performed, the legislative authority of the 314
contracting political subdivision shall determine and assign the 315
powers and duties. 316

An agreement shall not suspend the possession by a 317
contracting recipient political subdivision or state agency of any 318
power or function that is exercised or performed on its behalf by 319
~~another~~ the other contracting political subdivision or the 320
contracting state agency under the agreement. 321

A political subdivision shall not enter into an agreement to 322
levy any tax or to exercise, with regard to public moneys, any 323
investment powers, perform any investment function, or render any 324
investment service on behalf of a contracting subdivision. Nothing 325
in this paragraph prohibits a political subdivision from entering 326
into an agreement to collect, administer, or enforce any tax on 327
behalf of another political subdivision or to limit the authority 328
of political subdivisions to create and operate joint economic 329
development zones or joint economic development districts as 330
provided in sections 715.69 to 715.83 of the Revised Code. 331

~~(C)~~(D) No county elected officer may be required to exercise 332
any power, perform any function, or render any service under an 333

agreement entered into under this section without the written 334
consent of the county elected officer. No county may enter into an 335
agreement under this section for the exercise, performance, or 336
rendering of any statutory powers, functions, or services of any 337
county elected officer without the written consent of the county 338
elected officer. 339

~~(D)~~(E) No power shall be exercised, no function shall be 340
performed, and no service shall be rendered by a contracting 341
political subdivision or state agency pursuant to an agreement 342
entered into under this section within a political subdivision 343
that is not a party to the agreement, without first obtaining the 344
written consent of the political subdivision that is not a party 345
to the agreement and within which the power is to be exercised, a 346
function is to be performed, or a service is to be rendered. 347

~~(E)~~(F) Chapter 2744. of the Revised Code, insofar as it 348
applies to the operation of a political subdivision, applies to 349
the political subdivisions that are parties to an agreement and to 350
their employees when they are rendering a service outside the 351
boundaries of their employing political subdivision under the 352
agreement. Employees acting outside the boundaries of their 353
employing political subdivision while providing a service under an 354
agreement may participate in any pension or indemnity fund 355
established by the political subdivision to the same extent as 356
while they are acting within the boundaries of the political 357
subdivision, and are entitled to all the rights and benefits of 358
Chapter 4123. of the Revised Code to the same extent as while they 359
are performing a service within the boundaries of the political 360
subdivision. 361

Sec. 9.54. Whoever erects or replaces a sign containing the 362
international symbol of access shall use forms of the word 363
"accessible" rather than forms of the words "handicapped" or 364

"disabled" whenever words are included on the sign. 365

Sec. 9.90. (A) The board of trustees or other governing body 366
of a state institution of higher education, as defined in section 367
3345.011 of the Revised Code, board of education of a school 368
district, or governing board of an educational service center may, 369
in addition to all other powers provided in the Revised Code: 370

(1) Contract for, purchase, or otherwise procure from an 371
insurer or insurers licensed to do business by the state of Ohio 372
for or on behalf of such of its employees as it may determine, 373
life insurance, or sickness, accident, annuity, endowment, health, 374
medical, hospital, dental, or surgical coverage and benefits, or 375
any combination thereof, by means of insurance plans or other 376
types of coverage, family, group or otherwise, and may pay from 377
funds under its control and available for such purpose all or any 378
portion of the cost, premium, or charge for such insurance, 379
coverage, or benefits. However, the governing board, in addition 380
to or as an alternative to the authority otherwise granted by 381
division (A)(1) of this section, may elect to procure coverage for 382
health care services, for or on behalf of such of its employees as 383
it may determine, by means of policies, contracts, certificates, 384
or agreements issued by at least two health insuring corporations 385
holding a certificate of authority under Chapter 1751. of the 386
Revised Code and may pay from funds under the governing board's 387
control and available for such purpose all or any portion of the 388
cost of such coverage. 389

(2) Make payments to a custodial account for investment in 390
regulated investment company stock ~~for the purpose of providing~~ 391
~~retirement benefits as described in section 403(b)(7) of the that~~ 392
is treated as an annuity under Internal Revenue Code ~~of 1954, as~~ 393
~~amended. Such stock shall be purchased only from persons~~ 394
~~authorized to sell such stock in this state~~ section 403(b). 395

Any income of an employee deferred under divisions (A)(1) and 396
(2) of this section in a deferred compensation program eligible 397
for favorable tax treatment under the Internal Revenue Code ~~of~~ 398
~~1954, as amended,~~ shall continue to be included as regular 399
compensation for the purpose of computing the contributions to and 400
benefits from the retirement system of such employee. Any sum so 401
deferred shall not be included in the computation of any federal 402
and state income taxes withheld on behalf of any such employee. 403

(B) All or any portion of the cost, premium, or charge 404
therefor may be paid in such other manner or combination of 405
manners as the board or governing body may determine, including 406
direct payment by the employee in cases under division (A)(1) of 407
this section, and, if authorized in writing by the employee in 408
cases under division (A)(1) or (2) of this section, by the board 409
or governing body with moneys made available by deduction from or 410
reduction in salary or wages or by the foregoing of a salary or 411
wage increase. Nothing in section 3917.01 or section 3917.06 of 412
the Revised Code shall prohibit the issuance or purchase of group 413
life insurance authorized by this section by reason of payment of 414
premiums therefor by the board or governing body from its funds, 415
and such group life insurance may be so issued and purchased if 416
otherwise consistent with the provisions of sections 3917.01 to 417
3917.07 of the Revised Code. 418

(C) The board of education of any school district may 419
exercise any of the powers granted to the governing boards of 420
public institutions of higher education under divisions (A) and 421
(B) of this section. All health care benefits provided to persons 422
employed by the public schools of this state shall be through 423
health care plans that contain best practices established by the 424
department of administrative services pursuant to section 9.901 of 425
the Revised Code. 426

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

(A) The designee must execute a reasonable agreement protecting the institution or district from any liability attendant to procuring the annuity;

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

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

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

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

(a) Selecting a minimum of four providers of annuity 457
contracts or custodial accounts through a selection process 458
determined by the institution in its sole and absolute discretion, 459
except that if fewer than four providers are available the 460
institution shall select the number of providers available. 461

(b) Subject to division (D) of this section, allowing each 462
eligible employee to designate a licensed agent, broker, or 463
company as a provider. 464

(B) Division (A)(2)(a) of this section does not require a 465
public institution of higher education to select a provider if 466
either of the following is the case: 467

(1) The provider is not willing to provide an annuity 468
contract or custodial account at that public institution. 469

(2) The provider is not willing to agree to the terms and 470
conditions of the agreement described in division (E) of this 471
section. 472

(C) Designation as a provider under section 9.90 of the 473
Revised Code prior to the effective date of this section does not 474
give a licensed agent, broker, or company a right to be selected 475
as a provider under this section, but subject to division (D) of 476
this section, such a licensed agent, broker, or company shall 477
remain a provider until another provider is selected under 478
division (A)(2) of this section. 479

(D) If an employee designates a provider under division 480
(A)(2)(b) of this section, the employing institution shall comply 481
with the designation but may require either or both of the 482
following: 483

(1) That the provider enter into an agreement with the 484
institution that does either or both of the following: 485

(a) Prohibits the provider from transferring funds to a third 486

party without the express consent of the institution or its 487
authorized representative; 488

(b) Includes such other terms and conditions as are 489
established by the institution in its sole discretion. 490

(2) That the provider be designated by a number of employees 491
equal to at least one per cent of the institution's eligible 492
employees or at least five employees, whichever is greater, except 493
that the institution may not require that the provider be 494
designated by more than fifty employees. 495

(E) An institution may require a provider selected under 496
division (A)(2)(a) of this section to enter into an agreement with 497
the institution that does either or both of the following: 498

(1) Prohibits the provider from transferring funds to a third 499
party without the express consent of the institution or its 500
authorized representative; 501

(2) Includes such other terms and conditions as are 502
established by the institution in its sole discretion. 503

Sec. 103.63. There is established an Ohio constitutional 504
modernization commission consisting of thirty-two members. Twelve 505
members shall be appointed from the general assembly as follows: 506
three by the president of the senate, three by the minority leader 507
of the senate, three by the speaker of the house of 508
representatives, and three by the minority leader of the house of 509
representatives. ~~Not later than~~ On or before the tenth day of 510
January 1, 2012, and every two years thereafter even-numbered 511
year, the twelve general assembly members shall meet, organize, 512
and elect two co-chairpersons, who shall be from different 513
political parties. Beginning in 2014, the twelve general assembly 514
members shall elect one co-chairperson from each house of the 515
general assembly. The members shall then, by majority vote, 516

appoint twenty commission members, not from the general assembly. 517
All appointments shall end on the first day of January of every 518
even-numbered year, or as soon thereafter as successors are 519
appointed, and the commission shall then be re-created in the 520
manner provided above. Members may be reappointed. Vacancies on 521
the commission shall be filled in the manner provided for original 522
appointments. 523

The members of the commission shall serve without 524
compensation, but each member shall be reimbursed for actual and 525
necessary expenses incurred while engaging in the performance of 526
the member's official duties. Membership on the commission does 527
not constitute holding another public office. The joint 528
legislative ethics committee is the appropriate ethics commission 529
as described in division (F) of section 102.01 of the Revised Code 530
for matters relating to the public members appointed to the Ohio 531
constitutional modernization commission. 532

Sec. 118.27. (A) A financial planning and supervision 533
commission with respect to a municipal corporation, county, or 534
township, and its functions under this chapter, shall continue in 535
existence until such time as a determination is made pursuant to 536
division (B) of this section ~~that~~ of one of the following: 537

(1) In the case of a village, the village has dissolved under 538
section 118.31, 703.20, or 703.201 of the Revised Code. 539

(2) In the case of a township, the township has dissolved 540
under section 118.31 of the Revised Code. 541

(3) In the case of a municipal corporation, county, or 542
township, the municipal corporation, county, or township has done 543
all of the following: 544

~~(1)~~(a) Planned, and is in the process of good faith 545
implementation of, an effective financial accounting and reporting 546

system in accordance with section 118.10 of the Revised Code, and 547
it is reasonably expected that such implementation will be 548
completed within two years; 549

~~(2)~~(b) Corrected and eliminated or has planned and is in the 550
process of good faith implementation of correcting and eliminating 551
all of the fiscal emergency conditions determined pursuant to 552
section 118.04 of the Revised Code, and no new fiscal emergency 553
conditions have occurred. The auditor of state shall monitor the 554
progress of the municipal corporation, county, or township in its 555
plan of good faith implementation of correcting and eliminating 556
all the fiscal emergency conditions. This monitoring is to secure 557
full implementation at the earliest time feasible but within two 558
years from such termination. If after a two-year period, the 559
municipal corporation, county, or township has failed to secure 560
full implementation, the auditor of state may redeclare the 561
municipal corporation, county, or township to be in a fiscal 562
emergency. 563

~~(3)~~(c) Met the objectives of the financial plan described in 564
section 118.06 of the Revised Code; 565

~~(4)~~(d) The municipal corporation, county, or township 566
prepares a financial forecast for a five-year period in accordance 567
with the standards issued by the auditor of state. An opinion must 568
be rendered by the auditor of state that the financial forecast is 569
considered to be nonadverse. 570

(B) The determination that ~~all of such~~ the conditions for the 571
termination of the existence of the commission and its functions 572
exist may be made either by the auditor of state or by the 573
commission and shall be certified to the commission, the auditor 574
of state, the governor, and the budget commission, whereupon such 575
commission and its functions under this chapter shall terminate. 576
Such determination shall be made by the auditor of state upon the 577
filing with the auditor of state of a written request for such 578

determination by the municipal corporation, county, or township, 579
the governor, or the commission, or may be made by the auditor of 580
state upon the auditor of state's own initiative. 581

(C) The commission shall prepare and submit with such 582
certification a final report of its activities, in such form as is 583
appropriate for the purpose of providing a record of its 584
activities and assisting other commissions created under this 585
chapter in the conduct of their functions. All of the books and 586
records of the commission shall be delivered to the auditor of 587
state for retention and safekeeping. 588

(D) Upon receipt of the certification provided for in 589
division (B) of this section, the director shall follow the 590
procedures set forth in section 126.29 of the Revised Code. 591

(E) If, at the time of termination of the commission, an 592
effective financial accounting and reporting system has not been 593
fully implemented, the auditor of state shall monitor the progress 594
of implementation and shall exercise authority under Chapter 117. 595
and section 118.10 of the Revised Code to secure full 596
implementation at the earliest time feasible but within two years 597
from such termination. 598

Sec. 121.084. (A) All moneys collected under sections 599
3783.05, 3791.07, 4104.07, 4104.18, 4104.44, 4105.17, 4105.20, 600
4169.03, ~~4171.04~~, and 5104.051 of the Revised Code, and any other 601
moneys collected by the division of industrial compliance shall be 602
paid into the state treasury to the credit of the industrial 603
compliance operating fund, which is hereby created. The department 604
of commerce shall use the moneys in the fund for paying the 605
operating expenses of the division and the administrative 606
assessment described in division (B) of this section. 607

(B) The director of commerce, with the approval of the 608
director of budget and management, shall prescribe procedures for 609

assessing the industrial compliance operating fund a proportionate 610
share of the administrative costs of the department of commerce. 611
The assessment shall be made in accordance with those procedures 612
and be paid from the industrial compliance operating fund to the 613
division of administration fund created in section 121.08 of the 614
Revised Code. 615

Sec. 122.12. As used in this section and in section 122.121 616
of the Revised Code: 617

(A) "Endorsing county" means a county that contains a site 618
selected by a site selection organization for one or more games. 619

(B) "Endorsing municipality" means a municipal corporation 620
that contains a site selected by a site selection organization for 621
one or more games. 622

(C) "Game support contract" means a joinder undertaking, 623
joinder agreement, or similar contract executed by an endorsing 624
municipality or endorsing county and a site selection 625
organization. 626

(D)(1) "Game" means a national or international competition 627
of football, auto racing, rugby, cricket, horse racing, mixed 628
martial arts, boxing, or any sport that is governed by an 629
international federation and included in at least one of the 630
following: 631

~~(1)(a)~~ Olympic games; 632

~~(2)(b)~~ Pan American games; 633

~~(3)(c)~~ Commonwealth games. 634

(2) "Game" includes the special olympics. 635

(E) "Joinder agreement" means an agreement entered into by a 636
local organizing committee, endorsing municipality, or endorsing 637
county, or more than one endorsing municipality or county acting 638

collectively and a site selection organization setting out 639
representations and assurances by each endorsing municipality or 640
endorsing county in connection with the selection of a site in 641
this state for the location of a game. 642

(F) "Joinder undertaking" means an agreement entered into by 643
a local organizing committee, endorsing municipality, or endorsing 644
county, or more than one endorsing municipality or county acting 645
collectively and a site selection organization that each endorsing 646
municipality or endorsing county will execute a joinder agreement 647
in the event that the site selection organization selects a site 648
in this state for a game. 649

(G) "Local organizing committee" means a nonprofit 650
corporation or its successor in interest that: 651

(1) Has been authorized by an endorsing municipality, 652
endorsing county, or more than one endorsing municipality or 653
county acting collectively to pursue an application and bid on the 654
applicant's behalf to a site selection organization for selection 655
as the site of one or more games; or 656

(2) With the authorization of an endorsing municipality, 657
endorsing county, or more than one endorsing municipality or 658
county acting collectively, has executed an agreement with a site 659
selection organization regarding a bid to host one or more games. 660

(H) "Site selection organization" means the national or 661
international governing body of a sport that is recognized as such 662
by the endorsing municipality, endorsing county, or local 663
organizing committee. 664

Sec. 122.121. (A) If a local organizing committee, endorsing 665
municipality, or endorsing county enters into a joinder 666
undertaking with a site selection organization, the local 667
organizing committee, endorsing municipality, or endorsing county 668

may apply to the director of development services, on a form and 669
in the manner prescribed by the director, for a grant based on the 670
projected incremental increase in the receipts from the tax 671
imposed under section 5739.02 of the Revised Code within the 672
market area designated under division (C) of this section, for the 673
two-week period that ends at the end of the day after the date on 674
which a game will be held, that is directly attributable, as 675
determined by the director, to the preparation for and 676
presentation of the game. The director shall determine the 677
projected incremental increase in the tax imposed under section 678
5739.02 of the Revised Code by using a formula approved by the 679
destination marketing association international for event impact 680
or another formula of similar purpose approved by the director. 681
The local organizing committee, endorsing municipality, or 682
endorsing county is eligible to receive a grant under this section 683
only if the projected incremental increase in receipts from the 684
tax imposed under section 5739.02 of the Revised Code, as 685
determined by the director, exceeds two hundred fifty thousand 686
dollars. The amount of the grant shall be not less than fifty per 687
cent of the projected incremental increase in receipts, as 688
determined by the director, but shall not exceed five hundred 689
thousand dollars. The director shall not issue grants with a total 690
value of more than one million dollars in any fiscal year, and 691
shall not issue any grant before July 1, 2013. 692

(B) If the director of development services approves an 693
application for a local organizing committee, endorsing 694
municipality, or endorsing county and that local organizing 695
committee, endorsing municipality, or endorsing county enters into 696
a joinder agreement with a site selection organization, the local 697
organizing committee, endorsing municipality, or endorsing county 698
shall file a copy of the joinder agreement with the director of 699
~~development, who immediately shall notify the director of budget~~ 700

~~and management of the filing. Within thirty days after receiving~~ 701
~~the notice, the director of budget and management shall establish~~ 702
~~a schedule to disburse from the general revenue fund to such local~~ 703
~~organizing committee, endorsing municipality, or endorsing county~~ 704
~~payments that total the amount certified by the director of~~ 705
~~development under division (A) of this section, but in no event~~ 706
~~shall the total amount disbursed exceed five hundred thousand~~ 707
~~dollars, and no disbursement shall be made before July 1, 2013.~~ 708
The ~~payments~~ grant shall be used exclusively by the local 709
organizing committee, endorsing municipality, or endorsing county 710
to fulfill a portion of its obligations to a site selection 711
organization under game support contracts, which obligations may 712
include the payment of costs relating to the preparations 713
necessary for the conduct of the game, including acquiring, 714
renovating, or constructing facilities; to pay the costs of 715
conducting the game; and to assist the local organizing committee, 716
endorsing municipality, or endorsing county in providing 717
assurances required by a site selection organization sponsoring 718
one or more games. 719

(C) For the purposes of division (A) of this section, the 720
director of development services, in consultation with the tax 721
commissioner, shall designate the market area for a game. The 722
market area shall consist of the combined statistical area, as 723
defined by the United States office of management and budget, in 724
which an endorsing municipality or endorsing county is located. 725

(D) A local organizing committee, endorsing municipality, or 726
endorsing county shall provide information required by the 727
director of development services and tax commissioner to enable 728
the director and commissioner to fulfill their duties under this 729
section, including annual audited statements of any financial 730
records required by a site selection organization and data 731
obtained by the local organizing committee, endorsing 732

municipality, or endorsing county relating to attendance at a game 733
and to the economic impact of the game. A local organizing 734
committee, an endorsing municipality, or an endorsing county shall 735
provide an annual audited financial statement if so required by 736
the director and commissioner, not later than the end of the 737
fourth month after the date the period covered by the financial 738
statement ends. 739

(E) Within thirty days after the game, the local organizing 740
committee, endorsing municipality, or endorsing county shall 741
report to the director of development services about the economic 742
impact of the game. The report shall be in the form and substance 743
required by the director, including, but not limited to, a final 744
income statement for the event showing total revenue and 745
expenditures and revenue and expenditures in the market area for 746
the game, and ticket sales for the game and any related activities 747
for which admission was charged. The director ~~of development~~ shall 748
determine, based on the reported information and the exercise of 749
reasonable judgment, the incremental increase in receipts from the 750
tax imposed under section 5739.02 of the Revised Code directly 751
attributable to the game. If the actual incremental increase in 752
such receipts is less than the projected incremental increase in 753
receipts, the director may require the local organizing committee, 754
endorsing municipality, or endorsing county to refund to the state 755
all or a portion of the grant. 756

(F) No disbursement may be made under this section if the 757
director of development services determines that it would be used 758
for the purpose of soliciting the relocation of a professional 759
sports franchise located in this state. 760

(G) This section may not be construed as creating or 761
requiring a state guarantee of obligations imposed on an endorsing 762
municipality or endorsing county under a game support contract or 763
any other agreement relating to hosting one or more games in this 764

state. 765

Sec. 122.861. (A) As used in this section: 766

(1) "Certified engine configuration" means a new, rebuilt, or 767
remanufactured engine configuration that satisfies divisions 768
(A)(1)(a) and (b) and, if applicable, division (A)(1)(c) of this 769
section: 770

(a) It has been certified by the administrator of the United 771
States environmental protection agency or the California air 772
resources board. 773

(b) It meets or is rebuilt or remanufactured to a more 774
stringent set of engine emission standards than when originally 775
manufactured, as determined pursuant to Subtitle G of Title VII of 776
the Energy Policy Act of 2005, Pub. L. No. 109-58, 119 Stat. 838, 777
et seq. 778

(c) In the case of a certified engine configuration involving 779
the replacement of an existing engine, an engine configuration 780
that replaced an engine that was removed from the vehicle and 781
returned to the supplier for remanufacturing to a more stringent 782
set of engine emissions standards or for scrappage. 783

(2) "Section 793" means section 793 of the Energy Policy Act 784
of 2005, Pub. L. No. 109-58, 119 Stat. 841, et seq. 785

(3) "Verified technology" means a pollution control 786
technology, including a retrofit technology, advanced truckstop 787
electrification system, or auxiliary power unit, that has been 788
verified by the administrator of the United States environmental 789
protection agency or the California air resources board. 790

(B) For the purpose of reducing emissions from diesel 791
engines, the director of environmental protection shall administer 792
a diesel emissions reduction grant program and a ~~diesel emissions~~ 793
~~reduction revolving loan~~ clean diesel school bus program. The 794

programs shall provide for the implementation in this state of 795
section 793 and shall otherwise be administered in compliance with 796
the requirements of section 793, and any regulations issued 797
pursuant to that section. 798

The director shall apply to the administrator of the United 799
States environmental protection agency for grant or loan funds 800
available under section 793 to help fund the diesel emissions 801
reduction grant program and the ~~diesel emissions reduction~~ 802
~~revolving loan clean diesel school bus~~ program. 803

~~(C) There is hereby created in the state treasury the diesel 804
emissions reduction revolving loan fund consisting of money 805
appropriated to it by the general assembly, any grants obtained 806
from the federal government under section 793, and any other 807
grants, gifts, or other contributions of money made to the credit 808
of the fund. Money in the fund shall be used for the purpose of 809
making loans for projects relating to certified engine 810
configurations and verified technologies in a manner consistent 811
with the requirements of section 793 and any regulations issued 812
pursuant to that section. Interest earned from moneys in the fund 813
shall be used to administer the diesel emissions reduction 814
revolving loan program. 815~~

Sec. 124.32. (A) A person holding an office or position in 816
the classified service may be transferred to a similar position in 817
another office, department, or institution having the same pay and 818
similar duties, but no transfer shall be made as follows: 819

(1) From an office or position in one class to an office or 820
position in another class; 821

(2) To an office or position for original entrance to which 822
there is required by sections 124.01 to 124.64 of the Revised 823
Code, or the rules adopted pursuant to those sections, an 824
examination involving essential tests or qualifications or 825

carrying a salary different from or higher than those required for 826
original entrance to an office or position held by the person 827
proposed to be transferred. 828

No person in the classified civil service of the state may be 829
transferred without the consent of the director of administrative 830
services. 831

(B) Any person holding an office or position in the 832
classified service who has been separated from the service without 833
delinquency or misconduct on the person's part may be reinstated 834
within one year from the date of that separation to a vacancy in 835
the same office or in a similar position in the same department, 836
except that a person in the classified service of the state only 837
may be reinstated with the consent of the director of 838
administrative services. But, if that separation is due to injury 839
or physical or psychiatric disability, the person shall be 840
reinstated in the same office held or in a similar position to 841
that held at the time of separation, within ~~thirty~~ sixty days 842
after written application for reinstatement, if the person passes 843
a physical or psychiatric examination made by a licensed 844
physician, a physician assistant, a clinical nurse specialist, a 845
certified nurse practitioner, or a certified nurse-midwife showing 846
that the person has recovered from the injury or physical or 847
psychiatric disability, if the application for reinstatement is 848
filed within two years from the date of separation, and if the 849
application is not filed after the date of service eligibility 850
retirement. The physician, physician assistant, clinical nurse 851
specialist, certified nurse practitioner, or certified 852
nurse-midwife shall be designated by the appointing authority and 853
shall complete any written documentation of the physical or 854
psychiatric examination. 855

Sec. 125.13. (A) As used in this section: 856

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

(2) "Private fire company" has the same meaning as in section 9.60 of the Revised Code.

(B) Except as otherwise provided in section 5139.03 of the Revised Code, whenever a state agency determines that it has excess or surplus supplies, it shall notify the director of administrative services. Upon request by the director and on forms provided by the director, the state agency shall furnish to the director a list of all those excess and surplus supplies and an appraisal of their value.

(C) The director of administrative services shall take immediate control of a state agency's excess and surplus supplies, except for the following excess and surplus supplies:

(1) Excess or surplus supplies that have a value below the minimum value that the director establishes for excess and surplus supplies under division (F) of this section;

(2) Excess or surplus supplies that the director has authorized an agency to donate to a public entity, including, but not limited to, public schools and surplus computers and computer equipment transferred to a public school under division (H) of this section;

(3) Excess or surplus supplies that an agency trades in as full or partial payment when purchasing a replacement item;

(4) Hazardous property.

(D) The director shall inventory excess and surplus supplies in the director's control and may have the supplies repaired.

(E) The director may do either of the following:

(1) Dispose of declared surplus or excess supplies in the director's control by sale, lease, donation, or transfer. If the

director does so, the director shall dispose of those supplies in 887
the following order of priority: 888

(a) To state agencies; 889

(b) To state-supported or state-assisted institutions of 890
higher education; 891

(c) To tax-supported agencies, municipal corporations, or 892
other political subdivisions of this state, private fire 893
companies, or private, nonprofit emergency medical service 894
organizations; 895

(d) To nonpublic elementary and secondary schools chartered 896
by the state board of education under section 3301.16 of the 897
Revised Code; 898

(e) To the general public by auction, sealed bid, sale, or 899
negotiation. 900

(2) If the director has attempted to dispose of any declared 901
surplus or excess motor vehicle that does not exceed four thousand 902
five hundred dollars in value pursuant to divisions (E)(1)(a) to 903
(c) of this section, donate the motor vehicle to a nonprofit 904
organization exempt from federal income taxation pursuant to 26 905
U.S.C. 501(a) and (c)(3) for the purpose of meeting the 906
transportation needs of participants in the Ohio works first 907
program established under Chapter 5107. of the Revised Code and 908
participants in the prevention, retention, and contingency program 909
established under Chapter 5108. of the Revised Code. The director 910
may not donate a motor vehicle furnished to the state highway 911
patrol to a nonprofit organization pursuant to this division. 912

(F) The director may adopt rules governing the sale, lease, 913
or transfer of surplus and excess supplies in the director's 914
control by public auction, sealed bid, sale, or negotiation, 915
except that no employee of the disposing agency shall be allowed 916
to purchase, lease, or receive any such supplies. The director may 917

dispose of declared surplus or excess supplies, including motor 918
vehicles, in the director's control as the director determines 919
proper if such supplies cannot be disposed of pursuant to division 920
(E) of this section. The director shall by rule establish a 921
minimum value for excess and surplus supplies and prescribe 922
procedures for a state agency to follow in disposing of excess and 923
surplus supplies in its control that have a value below the 924
minimum value established by the director. 925

(G) No state-supported or state-assisted institution of 926
higher education, tax-supported agency, municipal corporation, or 927
other political subdivision of this state, private fire company, 928
or private, nonprofit emergency medical service organization shall 929
sell, lease, or transfer excess or surplus supplies acquired under 930
this section to private entities or the general public at a price 931
greater than the price it originally paid for those supplies. 932

(H) The director of administrative services may authorize any 933
state agency to transfer surplus computers and computer equipment 934
that are not needed by other state agencies directly to an 935
accredited public school within the state. The computers and 936
computer equipment may be repaired or refurbished prior to 937
transfer. The state agency may charge a service fee to the public 938
schools for the property not to exceed the direct cost of 939
repairing or refurbishing it. The state agency shall deposit such 940
funds into the account used for repair or refurbishment. 941

Sec. 125.182. ~~The office of information technology, by itself~~ 942
~~or by contract with another entity,~~ (A) An Ohio trade association 943
that represents the majority of newspapers of general circulation 944
as defined in section 7.12 of the Revised Code shall establish, 945
~~operate,~~ and maintain a state the official public notice web site. 946
~~In establishing, maintaining, and operating the state public~~ 947
~~notice web site, the office of information technology~~ 948

Not later than one hundred eighty days after the effective date of this section, in all cases in which a notice or advertisement is required by a section of the Revised Code or an administrative rule to be published in a newspaper of general circulation, or in a daily law journal as required by section 2701.09 of the Revised Code, the notice or advertisement also shall be posted on the official public notice web site by the publisher of the newspaper or journal.

The operator of the official public notice web site shall:

~~(A)~~(1) Use a domain name for the web site that will be easily recognizable and remembered by and understandable to users of the web site;

~~(B)~~(2) Maintain the web site on the internet so that it is fully accessible to and searchable by members of the public at all times, other than during maintenance or acts of God outside the operator's control;

~~(C)~~(3) Not charge a fee to a person ~~who~~ that accesses, the web site to view notices or advertisements or to perform searches, or otherwise uses of the web site, provided that the operator may charge a fee for enhanced search and customized content delivery features;

~~(D)~~(4) Not charge a fee to a state agency or political subdivision for publishing a notice or advertisement on the web site;

~~(E)~~(5) Ensure that notices and advertisements displayed on the web site conform to the requirements that would apply to the notices and advertisements if they were being published in a newspaper, as directed in section 7.16 of the Revised Code or in the relevant provision of the statute or rule that requires the notice;

~~(F)~~(6) Ensure that notices and advertisements continue to be

displayed on the web site for not less than the length of time 980
required by the relevant provision of the statute or rule that 981
requires the notice or advertisement; 982

~~(G) Devise and display on the web site a form that may be 983
downloaded and used to request publication of a notice on the web 984
site;~~ 985

~~(H) Enable responsible parties to submit notices and requests 986
for their publication;~~ 987

~~(I)(7) Maintain an archive of notices and advertisements that 988
no longer are displayed on the web site;~~ 989

~~(J)(8) Enable notices and advertisements, both those 990
currently displayed and those archived, to be accessed by key 991
word, by party name, by case number, by county, and by other 992
useful identifiers;~~ 993

~~(K)(9) Maintain adequate systemic security and backup 994
features, and develop and maintain a contingency plan for coping 995
with and recovering from power outages, systemic failures, and 996
other unforeseeable difficulties;~~ 997

~~(L) Maintain the web site in such a manner that it will not 998
infringe legally protected interests, so that vulnerability of the 999
web site to interruption because of litigation or the threat of 1000
litigation is reduced; and~~ 1001

~~(M) Submit a status report to the secretary of state twice 1002
annually that demonstrates compliance with statutory requirements 1003
governing publication of notices.~~ 1004

~~The office of information technology shall bear the expense 1005
of maintaining the state public notice web site domain name (10) 1006
Provide access to the web site to the publisher of any Ohio 1007
newspaper or daily law journal that qualifies under the Revised 1008
Code to publish notices and advertisements, for the posting of 1009~~

notices and advertisements at no cost, or for a reasonable, 1010
uniform fee for the service; and 1011

(11) Provide, if requested, a regularly scheduled feed or 1012
similar data transfer to the department of administrative services 1013
of notices and advertisements posted on the web site, provided 1014
that the operator of the web site shall not be required to provide 1015
the feed or transfer more often than once every business day. 1016

(B) An error in a notice or advertisement posted on the 1017
official public notice web site, or a temporary web site outage or 1018
service interruption preventing the posting or display of a notice 1019
or advertisement on that web site, does not constitute a defect in 1020
making legal publication of the notice or advertisement, and 1021
publication requirements shall be considered met if the notice or 1022
advertisement published in the newspaper or daily law journal is 1023
correct. 1024

(C) The official public notice web site shall not contain any 1025
political publications or political advertising described in 1026
division (A)(1)(a), (b), or (c) of section 3517.20 of the Revised 1027
Code. 1028

(D) The publisher of a newspaper of general circulation or of 1029
a daily law journal that maintains a web site shall include on its 1030
web site a link to the official public notice web site. 1031

Sec. 126.21. (A) The director of budget and management shall 1032
do all of the following: 1033

(1) Keep all necessary accounting records; 1034

(2) Prescribe and maintain the accounting system of the state 1035
and establish appropriate accounting procedures and charts of 1036
accounts; 1037

(3) Establish procedures for the use of written, electronic, 1038
optical, or other communications media for approving and reviewing 1039

payment vouchers; 1040

(4) Reconcile, in the case of any variation between the 1041
amount of any appropriation and the aggregate amount of items of 1042
the appropriation, with the advice and assistance of the state 1043
agency affected by it and the legislative service commission, 1044
totals so as to correspond in the aggregate with the total 1045
appropriation. In the case of a conflict between the item and the 1046
total of which it is a part, the item shall be considered the 1047
intended appropriation. 1048

(5) Evaluate on an ongoing basis and, if necessary, recommend 1049
improvements to the internal controls used in state agencies; 1050

(6) Authorize the establishment of petty cash accounts. The 1051
director may withdraw approval for any petty cash account and 1052
require the officer in charge to return to the state treasury any 1053
unexpended balance shown by the officer's accounts to be on hand. 1054
Any officer who is issued a warrant for petty cash shall render a 1055
detailed account of the expenditures of the petty cash and shall 1056
report when requested the balance of petty cash on hand at any 1057
time. 1058

(7) Process orders, invoices, vouchers, claims, and payrolls 1059
and prepare financial reports and statements; 1060

(8) Perform extensions, reviews, and compliance checks prior 1061
to or after approving a payment as the director considers 1062
necessary; 1063

(9) Issue the official comprehensive annual financial report 1064
of the state. The report shall cover all funds of the state 1065
reporting entity and shall include basic financial statements and 1066
required supplementary information prepared in accordance with 1067
generally accepted accounting principles and other information as 1068
the director provides. All state agencies, authorities, 1069
institutions, offices, retirement systems, and other component 1070

units of the state reporting entity as determined by the director 1071
shall furnish the director whatever financial statements and other 1072
information the director requests for the report, in the form, at 1073
the times, covering the periods, and with the attestation the 1074
director prescribes. The information for state institutions of 1075
higher education, as defined in section 3345.011 of the Revised 1076
Code, shall be submitted to the chancellor by the Ohio board of 1077
regents. The board shall establish a due date by which each such 1078
institution shall submit the information to the board, but no such 1079
date shall be later than one hundred twenty days after the end of 1080
the state fiscal year unless a later date is approved by the 1081
director. 1082

(B) In addition to the director's duties under division (A) 1083
of this section, the director may establish and administer one or 1084
more ~~state~~ payment card programs that permit ~~or require~~ state 1085
agencies and political subdivisions to use a payment card to 1086
purchase equipment, materials, supplies, or services in accordance 1087
with guidelines issued by the director. The chief administrative 1088
officer of a state agency or political subdivision that uses a 1089
payment card for such purposes shall ensure that purchases made 1090
with the card are made in accordance with the guidelines issued by 1091
the director ~~and do not exceed the unexpended, unencumbered,~~ 1092
~~unobligated balance in the appropriation to be charged for the~~ 1093
~~purchase.~~ State agencies may participate in only those ~~state~~ 1094
payment card programs that the director establishes pursuant to 1095
this section. 1096

(C) In addition to the director's duties under divisions (A) 1097
and (B) of this section, the director may enter into any contract 1098
or agreement necessary for and incidental to the performance of 1099
the director's duties or the duties of the office of budget and 1100
management. 1101

(D) In addition to the director's duties under divisions (A), 1102

(B), and (C) of this section, the director may operate a shared services center within the office of budget and management for the purpose of consolidating common business functions and transactional processes. The services offered by the shared services center may be provided to any state agency or political subdivision. In consultation with the director of administrative services, the director may appoint and fix the compensation of employees of the office ~~of budget and management~~ whose primary duties include the consolidation of ~~statewide financing~~ common business functions and ~~common~~ transactional processes.

(E) The director may transfer cash between funds other than the general revenue fund in order to correct an erroneous payment or deposit regardless of the fiscal year during which the erroneous payment or deposit occurred.

(F) As used in divisions (B) and (D) of this section:

(1) "Political subdivision" has the same meaning as in section 2744.01 of the Revised Code.

(2) "State agency" has the same meaning as in section 9.482 of the Revised Code.

Sec. 126.25. The ~~accounting and budgeting~~ services provided by the director of budget and management under section 126.21 of the Revised Code shall be supported by ~~user~~ charges. The director shall determine a rate that is sufficient to defray the expense of those services and the manner by which those charges shall be collected. All money collected from ~~user~~ the charges shall be deposited in the state treasury to the credit of the accounting and budgeting fund, which is hereby created. Rebates or revenue shares received from any ~~state~~ payment card program established under division (B) of section 126.21 of the Revised Code and miscellaneous payments that reimburse expenses paid from the accounting and budgeting fund may be deposited into the accounting

and budgeting fund and used to support ~~accounting and budgeting~~ 1134
the services provided by the director. 1135

Sec. 127.163. At the time a state agency submits a request to 1136
the controlling board to approve the making of a purchase, if the 1137
requested purchase is to be made from a supplier who is not 1138
headquartered in this state but has a presence in this state, the 1139
state agency shall include in the request the following 1140
information: 1141

(A) The address or addresses of the supplier's places of 1142
business in this state; 1143

(B) The total number of employees the supplier employs in 1144
each of its places of business in this state; 1145

(C) The percentage of the requested purchase to be completed 1146
by employees of the supplier located in this state; 1147

(D) A list of any suppliers, subcontractors, or other 1148
entities the supplier intends to use to fulfill the requested 1149
purchase that includes all of the following: 1150

(1) The address or addresses of the places of business in 1151
this state of each potential supplier, subcontractor, or entity; 1152

(2) The number of employees that each potential supplier, 1153
subcontractor, or entity employs in each of its places of business 1154
in this state; 1155

(3) The percentage of the requested purchase to be completed 1156
by employees of the potential supplier, subcontractor, or entity 1157
located in this state. 1158

Sec. 127.164. (A) Prior to submitting a request to approve 1159
the making of a purchase to the controlling board, a state agency 1160
shall contact any entity headquartered in this state that the 1161
state agency approached related to the proposed purchase or to 1162

whom the state agency sent a request for proposals but who did not 1163
respond to the request for proposals and ascertain why the entity 1164
did not respond. 1165

(B) At the time a state agency submits a request to the 1166
controlling board to approve the making of a purchase, the state 1167
agency shall submit to the board, as part of the request, the 1168
information that the state agency collected under division (A) of 1169
this section. 1170

Sec. 131.35. (A) With respect to the federal funds received 1171
into any fund of the state from which transfers may be made under 1172
division (D) of section 127.14 of the Revised Code: 1173

(1) No state agency may make expenditures of any federal 1174
funds, whether such funds are advanced prior to expenditure or as 1175
reimbursement, unless such expenditures are made pursuant to 1176
specific appropriations of the general assembly, are authorized by 1177
the controlling board pursuant to division (A)(5) of this section, 1178
or are authorized by an executive order issued in accordance with 1179
section 107.17 of the Revised Code, and until an allotment has 1180
been approved by the director of budget and management. All 1181
federal funds received by a state agency shall be reported to the 1182
director within fifteen days of the receipt of such funds or the 1183
notification of award, whichever occurs first. The director shall 1184
prescribe the forms and procedures to be used when reporting the 1185
receipt of federal funds. 1186

(2) If the federal funds received are greater than the amount 1187
of such funds appropriated by the general assembly for a specific 1188
purpose, the total appropriation of federal and state funds for 1189
such purpose shall remain at the amount designated by the general 1190
assembly, except that the expenditure of federal funds received in 1191
excess of such specific appropriation may be authorized by the 1192

controlling board, subject to division (D) of this section. 1193

(3) To the extent that the expenditure of excess federal 1194
funds is authorized, the controlling board may transfer a like 1195
amount of general revenue fund appropriation authority from the 1196
affected agency to the emergency purposes appropriation of the 1197
controlling board, if such action is permitted under federal 1198
regulations. 1199

(4) Additional funds may be created by the controlling board 1200
to receive revenues not anticipated in an appropriations act for 1201
the biennium in which such new revenues are received. ~~Expenditures~~ 1202
Subject to division (D) of this section, expenditures from such 1203
additional funds may be authorized by the controlling board, but 1204
such authorization shall not extend beyond the end of the biennium 1205
in which such funds are created. 1206

(5) Controlling board authorization for a state agency to 1207
make an expenditure of federal funds constitutes authority for the 1208
agency to participate in the federal program providing the funds, 1209
and the agency is not required to obtain an executive order under 1210
section 107.17 of the Revised Code to participate in the federal 1211
program. 1212

(B) With respect to nonfederal funds received into the 1213
waterways safety fund, the wildlife fund, and any fund of the 1214
state from which transfers may be made under division (D) of 1215
section 127.14 of the Revised Code: 1216

(1) No state agency may make expenditures of any such funds 1217
unless the expenditures are made pursuant to specific 1218
appropriations of the general assembly. 1219

(2) If the receipts received into any fund are greater than 1220
the amount appropriated, the appropriation for that fund shall 1221
remain at the amount designated by the general assembly or, 1222
subject to division (D) of this section, as increased and approved 1223

by the controlling board. 1224

(3) Additional funds may be created by the controlling board 1225
to receive revenues not anticipated in an appropriations act for 1226
the biennium in which such new revenues are received. ~~Expenditures~~ 1227
Subject to division (D) of this section, expenditures from such 1228
additional funds may be authorized by the controlling board, but 1229
such authorization shall not extend beyond the end of the biennium 1230
in which such funds are created. 1231

(C) The controlling board shall not authorize more than ten 1232
per cent of additional spending from the occupational licensing 1233
and regulatory fund, created in section 4743.05 of the Revised 1234
Code, in excess of any appropriation made by the general assembly 1235
to a licensing agency except an appropriation for costs related to 1236
the examination or reexamination of applicants for a license. As 1237
used in this division, "licensing agency" and "license" have the 1238
same meanings as in section 4745.01 of the Revised Code. 1239

(D) The amount of any expenditure or of an increase in an 1240
appropriation authorized under division (A)(2) or (4) or (B)(2) or 1241
(3) of this section for a specific or related purpose or item in 1242
any fiscal year shall not exceed an amount greater than one per 1243
cent of the general revenue fund appropriations for that fiscal 1244
year. 1245

Sec. 133.06. (A) A school district shall not incur, without a 1246
vote of the electors, net indebtedness that exceeds an amount 1247
equal to one-tenth of one per cent of its tax valuation, except as 1248
provided in divisions (G) and (H) of this section and in division 1249
~~(C)~~(D) of section 3313.372 of the Revised Code, or as prescribed 1250
in section 3318.052 or 3318.44 of the Revised Code, or as provided 1251
in division (J) of this section. 1252

(B) Except as provided in divisions (E), (F), and (I) of this 1253
section, a school district shall not incur net indebtedness that 1254

exceeds an amount equal to nine per cent of its tax valuation. 1255

(C) A school district shall not submit to a vote of the 1256
electors the question of the issuance of securities in an amount 1257
that will make the district's net indebtedness after the issuance 1258
of the securities exceed an amount equal to four per cent of its 1259
tax valuation, unless the superintendent of public instruction, 1260
acting under policies adopted by the state board of education, and 1261
the tax commissioner, acting under written policies of the 1262
commissioner, consent to the submission. A request for the 1263
consents shall be made at least one hundred twenty days prior to 1264
the election at which the question is to be submitted. 1265

The superintendent of public instruction shall certify to the 1266
district the superintendent's and the tax commissioner's decisions 1267
within thirty days after receipt of the request for consents. 1268

If the electors do not approve the issuance of securities at 1269
the election for which the superintendent of public instruction 1270
and tax commissioner consented to the submission of the question, 1271
the school district may submit the same question to the electors 1272
on the date that the next special election may be held under 1273
section 3501.01 of the Revised Code without submitting a new 1274
request for consent. If the school district seeks to submit the 1275
same question at any other subsequent election, the district shall 1276
first submit a new request for consent in accordance with this 1277
division. 1278

(D) In calculating the net indebtedness of a school district, 1279
none of the following shall be considered: 1280

(1) Securities issued to acquire school buses and other 1281
equipment used in transporting pupils or issued pursuant to 1282
division (D) of section 133.10 of the Revised Code; 1283

(2) Securities issued under division (F) of this section, 1284
under section 133.301 of the Revised Code, and, to the extent in 1285

excess of the limitation stated in division (B) of this section,	1286
under division (E) of this section;	1287
(3) Indebtedness resulting from the dissolution of a joint	1288
vocational school district under section 3311.217 of the Revised	1289
Code, evidenced by outstanding securities of that joint vocational	1290
school district;	1291
(4) Loans, evidenced by any securities, received under	1292
sections 3313.483, 3317.0210, and 3317.0211 of the Revised Code;	1293
(5) Debt incurred under section 3313.374 of the Revised Code;	1294
(6) Debt incurred pursuant to division (B)(5) of section	1295
3313.37 of the Revised Code to acquire computers and related	1296
hardware;	1297
(7) Debt incurred under section 3318.042 of the Revised Code.	1298
(E) A school district may become a special needs district as	1299
to certain securities as provided in division (E) of this section.	1300
(1) A board of education, by resolution, may declare its	1301
school district to be a special needs district by determining both	1302
of the following:	1303
(a) The student population is not being adequately serviced	1304
by the existing permanent improvements of the district.	1305
(b) The district cannot obtain sufficient funds by the	1306
issuance of securities within the limitation of division (B) of	1307
this section to provide additional or improved needed permanent	1308
improvements in time to meet the needs.	1309
(2) The board of education shall certify a copy of that	1310
resolution to the superintendent of public instruction with a	1311
statistical report showing all of the following:	1312
(a) The history of and a projection of the growth of the tax	1313
valuation;	1314

(b) The projected needs;	1315
(c) The estimated cost of permanent improvements proposed to meet such projected needs.	1316 1317
(3) The superintendent of public instruction shall certify the district as an approved special needs district if the superintendent finds both of the following:	1318 1319 1320
(a) The district does not have available sufficient additional funds from state or federal sources to meet the projected needs.	1321 1322 1323
(b) The projection of the potential average growth of tax valuation during the next five years, according to the information certified to the superintendent and any other information the superintendent obtains, indicates a likelihood of potential average growth of tax valuation of the district during the next five years of an average of not less than one and one-half per cent per year. The findings and certification of the superintendent shall be conclusive.	1324 1325 1326 1327 1328 1329 1330 1331
(4) An approved special needs district may incur net indebtedness by the issuance of securities in accordance with the provisions of this chapter in an amount that does not exceed an amount equal to the greater of the following:	1332 1333 1334 1335
(a) Twelve per cent of the sum of its tax valuation plus an amount that is the product of multiplying that tax valuation by the percentage by which the tax valuation has increased over the tax valuation on the first day of the sixtieth month preceding the month in which its board determines to submit to the electors the question of issuing the proposed securities;	1336 1337 1338 1339 1340 1341
(b) Twelve per cent of the sum of its tax valuation plus an amount that is the product of multiplying that tax valuation by the percentage, determined by the superintendent of public instruction, by which that tax valuation is projected to increase	1342 1343 1344 1345

during the next ten years. 1346

(F) A school district may issue securities for emergency 1347
purposes, in a principal amount that does not exceed an amount 1348
equal to three per cent of its tax valuation, as provided in this 1349
division. 1350

(1) A board of education, by resolution, may declare an 1351
emergency if it determines both of the following: 1352

(a) School buildings or other necessary school facilities in 1353
the district have been wholly or partially destroyed, or condemned 1354
by a constituted public authority, or that such buildings or 1355
facilities are partially constructed, or so constructed or planned 1356
as to require additions and improvements to them before the 1357
buildings or facilities are usable for their intended purpose, or 1358
that corrections to permanent improvements are necessary to remove 1359
or prevent health or safety hazards. 1360

(b) Existing fiscal and net indebtedness limitations make 1361
adequate replacement, additions, or improvements impossible. 1362

(2) Upon the declaration of an emergency, the board of 1363
education may, by resolution, submit to the electors of the 1364
district pursuant to section 133.18 of the Revised Code the 1365
question of issuing securities for the purpose of paying the cost, 1366
in excess of any insurance or condemnation proceeds received by 1367
the district, of permanent improvements to respond to the 1368
emergency need. 1369

(3) The procedures for the election shall be as provided in 1370
section 133.18 of the Revised Code, except that: 1371

(a) The form of the ballot shall describe the emergency 1372
existing, refer to this division as the authority under which the 1373
emergency is declared, and state that the amount of the proposed 1374
securities exceeds the limitations prescribed by division (B) of 1375
this section; 1376

(b) The resolution required by division (B) of section 133.18 1377
of the Revised Code shall be certified to the county auditor and 1378
the board of elections at least one hundred days prior to the 1379
election; 1380

(c) The county auditor shall advise and, not later than 1381
ninety-five days before the election, confirm that advice by 1382
certification to, the board of education of the information 1383
required by division (C) of section 133.18 of the Revised Code; 1384

(d) The board of education shall then certify its resolution 1385
and the information required by division (D) of section 133.18 of 1386
the Revised Code to the board of elections not less than ninety 1387
days prior to the election. 1388

(4) Notwithstanding division (B) of section 133.21 of the 1389
Revised Code, the first principal payment of securities issued 1390
under this division may be set at any date not later than sixty 1391
months after the earliest possible principal payment otherwise 1392
provided for in that division. 1393

(G)(1) The board of education may contract with an architect, 1394
professional engineer, or other person experienced in the design 1395
and implementation of energy conservation measures for an analysis 1396
and recommendations pertaining to installations, modifications of 1397
installations, or remodeling that would significantly reduce 1398
energy consumption in buildings owned by the district. The report 1399
shall include estimates of all costs of such installations, 1400
modifications, or remodeling, including costs of design, 1401
engineering, installation, maintenance, repairs, and debt service, 1402
forgone residual value of materials or equipment replaced by the 1403
energy conservation measure, as defined by the Ohio school 1404
facilities commission, a baseline analysis of actual energy 1405
consumption data for the preceding three years with the utility 1406
baseline based on only the actual energy consumption data for the 1407
preceding twelve months, and estimates of the amounts by which 1408

energy consumption and resultant operational and maintenance 1409
costs, as defined by the commission, would be reduced. 1410

If the board finds after receiving the report that the amount 1411
of money the district would spend on such installations, 1412
modifications, or remodeling is not likely to exceed the amount of 1413
money it would save in energy and resultant operational and 1414
maintenance costs over the ensuing fifteen years, the board may 1415
submit to the commission a copy of its findings and a request for 1416
approval to incur indebtedness to finance the making or 1417
modification of installations or the remodeling of buildings for 1418
the purpose of significantly reducing energy consumption. 1419

The school facilities commission, in consultation with the 1420
auditor of state, may deny a request under this division by the 1421
board of education any school district is in a state of fiscal 1422
watch pursuant to division (A) of section 3316.03 of the Revised 1423
Code, if it determines that the expenditure of funds is not in the 1424
best interest of the school district. 1425

No district board of education of a school district that is 1426
in a state of fiscal emergency pursuant to division (B) of section 1427
3316.03 of the Revised Code shall submit a request without 1428
submitting evidence that the installations, modifications, or 1429
remodeling have been approved by the district's financial planning 1430
and supervision commission established under section 3316.05 of 1431
the Revised Code. 1432

No board of education of a school district that, for three or 1433
more consecutive years, has been declared to be in a state of 1434
academic emergency under section 3302.03 of the Revised Code, as 1435
that section existed prior to March 22, 2013, and has failed to 1436
meet adequate yearly progress, or has met any condition set forth 1437
in division (A)(2), (3), or (4) of section 3302.10 of the Revised 1438
Code shall submit a request without first receiving approval to 1439
incur indebtedness from the district's academic distress 1440

commission established under that section, for so long as such 1441
commission continues to be required for the district. 1442

(2) The school facilities commission shall approve the 1443
board's request provided that the following conditions are 1444
satisfied: 1445

(a) The commission determines that the board's findings are 1446
reasonable. 1447

(b) The request for approval is complete. 1448

(c) The installations, modifications, or remodeling are 1449
consistent with any project to construct or acquire classroom 1450
facilities, or to reconstruct or make additions to existing 1451
classroom facilities under sections 3318.01 to 3318.20 or sections 1452
3318.40 to 3318.45 of the Revised Code. 1453

Upon receipt of the commission's approval, the district may 1454
issue securities without a vote of the electors in a principal 1455
amount not to exceed nine-tenths of one per cent of its tax 1456
valuation for the purpose of making such installations, 1457
modifications, or remodeling, but the total net indebtedness of 1458
the district without a vote of the electors incurred under this 1459
and all other sections of the Revised Code, except section 1460
3318.052 of the Revised Code, shall not exceed one per cent of the 1461
district's tax valuation. 1462

(3) So long as any securities issued under this division 1463
remain outstanding, the board of education shall monitor the 1464
energy consumption and resultant operational and maintenance costs 1465
of buildings in which installations or modifications have been 1466
made or remodeling has been done pursuant to this division and 1467
shall maintain and annually update a report documenting the 1468
reductions in energy consumption and resultant operational and 1469
maintenance cost savings attributable to such installations, 1470
modifications, or remodeling. The report shall be certified by an 1471

architect or engineer independent of any person that provided 1472
goods or services to the board in connection with the energy 1473
conservation measures that are the subject of the report. The 1474
resultant operational and maintenance cost savings shall be 1475
certified by the school district treasurer. The report shall be 1476
submitted annually to the commission. 1477

(H) With the consent of the superintendent of public 1478
instruction, a school district may incur without a vote of the 1479
electors net indebtedness that exceeds the amounts stated in 1480
divisions (A) and (G) of this section for the purpose of paying 1481
costs of permanent improvements, if and to the extent that both of 1482
the following conditions are satisfied: 1483

(1) The fiscal officer of the school district estimates that 1484
receipts of the school district from payments made under or 1485
pursuant to agreements entered into pursuant to section 725.02, 1486
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.62, 1487
5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 of the Revised 1488
Code, or distributions under division (C) of section 5709.43 of 1489
the Revised Code, or any combination thereof, are, after 1490
accounting for any appropriate coverage requirements, sufficient 1491
in time and amount, and are committed by the proceedings, to pay 1492
the debt charges on the securities issued to evidence that 1493
indebtedness and payable from those receipts, and the taxing 1494
authority of the district confirms the fiscal officer's estimate, 1495
which confirmation is approved by the superintendent of public 1496
instruction; 1497

(2) The fiscal officer of the school district certifies, and 1498
the taxing authority of the district confirms, that the district, 1499
at the time of the certification and confirmation, reasonably 1500
expects to have sufficient revenue available for the purpose of 1501
operating such permanent improvements for their intended purpose 1502
upon acquisition or completion thereof, and the superintendent of 1503

public instruction approves the taxing authority's confirmation. 1504

The maximum maturity of securities issued under division (H) 1505
of this section shall be the lesser of twenty years or the maximum 1506
maturity calculated under section 133.20 of the Revised Code. 1507

(I) A school district may incur net indebtedness by the 1508
issuance of securities in accordance with the provisions of this 1509
chapter in excess of the limit specified in division (B) or (C) of 1510
this section when necessary to raise the school district portion 1511
of the basic project cost and any additional funds necessary to 1512
participate in a project under Chapter 3318. of the Revised Code, 1513
including the cost of items designated by the Ohio school 1514
facilities commission as required locally funded initiatives, the 1515
cost of other locally funded initiatives in an amount that does 1516
not exceed fifty per cent of the district's portion of the basic 1517
project cost, and the cost for site acquisition. The school 1518
facilities commission shall notify the superintendent of public 1519
instruction whenever a school district will exceed either limit 1520
pursuant to this division. 1521

(J) A school district whose portion of the basic project cost 1522
of its classroom facilities project under sections 3318.01 to 1523
3318.20 of the Revised Code is greater than or equal to one 1524
hundred million dollars may incur without a vote of the electors 1525
net indebtedness in an amount up to two per cent of its tax 1526
valuation through the issuance of general obligation securities in 1527
order to generate all or part of the amount of its portion of the 1528
basic project cost if the controlling board has approved the 1529
school facilities commission's conditional approval of the project 1530
under section 3318.04 of the Revised Code. The school district 1531
board and the Ohio school facilities commission shall include the 1532
dedication of the proceeds of such securities in the agreement 1533
entered into under section 3318.08 of the Revised Code. No state 1534
moneys shall be released for a project to which this section 1535

applies until the proceeds of any bonds issued under this section 1536
that are dedicated for the payment of the school district portion 1537
of the project are first deposited into the school district's 1538
project construction fund. 1539

Sec. 133.07. (A) A county shall not incur, without a vote of 1540
the electors, either of the following: 1541

(1) Net indebtedness for all purposes that exceeds an amount 1542
equal to one per cent of its tax valuation; 1543

(2) Net indebtedness for the purpose of paying the county's 1544
share of the cost of the construction, improvement, maintenance, 1545
or repair of state highways that exceeds an amount equal to 1546
one-half of one per cent of its tax valuation. 1547

(B) A county shall not incur total net indebtedness that 1548
exceeds an amount equal to one of the following limitations that 1549
applies to the county: 1550

(1) A county with a valuation not exceeding one hundred 1551
million dollars, three per cent of that tax valuation; 1552

(2) A county with a tax valuation exceeding one hundred 1553
million dollars but not exceeding three hundred million dollars, 1554
three million dollars plus one and one-half per cent of that tax 1555
valuation in excess of one hundred million dollars; 1556

(3) A county with a tax valuation exceeding three hundred 1557
million dollars, six million dollars plus two and one-half per 1558
cent of that tax valuation in excess of three hundred million 1559
dollars. 1560

(C) In calculating the net indebtedness of a county, none of 1561
the following securities shall be considered: 1562

(1) Securities described in section 307.201 of the Revised 1563
Code; 1564

(2) Self-supporting securities issued for any purposes,	1565
including, but not limited to, any of the following general	1566
purposes:	1567
(a) Water systems or facilities;	1568
(b) Sanitary sewerage systems or facilities, or surface and	1569
storm water drainage and sewerage systems or facilities, or a	1570
combination of those systems or facilities;	1571
(c) County or joint county scrap tire collection, storage,	1572
monocell, monofill, or recovery facilities, or any combination of	1573
those facilities;	1574
(d) Off-street parking lots, facilities, or buildings, or	1575
on-street parking facilities, or any combination of off-street and	1576
on-street parking facilities;	1577
(e) Facilities for the care or treatment of the sick or	1578
infirm, and for housing the persons providing that care or	1579
treatment and their families;	1580
(f) Recreational, sports, convention, auditorium, museum,	1581
trade show, and other public attraction facilities;	1582
(g) Facilities for natural resources exploration,	1583
development, recovery, use, and sale;	1584
(h) Correctional and detention facilities and related	1585
rehabilitation facilities.	1586
(3) Securities issued for the purpose of purchasing,	1587
constructing, improving, or extending water or sanitary or surface	1588
and storm water sewerage systems or facilities, or a combination	1589
of those systems or facilities, to the extent that an agreement	1590
entered into with another subdivision requires the other	1591
subdivision to pay to the county amounts equivalent to debt	1592
charges on the securities;	1593
(4) Voted general obligation securities issued for the	1594

purpose of permanent improvements for sanitary sewerage or water 1595
systems or facilities to the extent that the total principal 1596
amount of voted securities outstanding for the purpose does not 1597
exceed an amount equal to two per cent of the county's tax 1598
valuation; 1599

(5) Securities issued for permanent improvements to house 1600
agencies, departments, boards, or commissions of the county or of 1601
any municipal corporation located, in whole or in part, in the 1602
county, to the extent that the revenues, other than revenues from 1603
unvoted county property taxes, derived from leases or other 1604
agreements between the county and those agencies, departments, 1605
boards, commissions, or municipal corporations relating to the use 1606
of the permanent improvements are sufficient to cover the cost of 1607
all operating expenses of the permanent improvements paid by the 1608
county and debt charges on the securities; 1609

(6) Securities issued pursuant to section 133.08 of the 1610
Revised Code; 1611

(7) Securities issued for the purpose of acquiring or 1612
constructing roads, highways, bridges, or viaducts, for the 1613
purpose of acquiring or making other highway permanent 1614
improvements, or for the purpose of procuring and maintaining 1615
computer systems for the office of the clerk of any 1616
county-operated municipal court, for the office of the clerk of 1617
the court of common pleas, or for the office of the clerk of the 1618
probate, juvenile, or domestic relations division of the court of 1619
common pleas to the extent that the legislation authorizing the 1620
issuance of the securities includes a covenant to appropriate from 1621
moneys distributed to the county pursuant to division (B) of 1622
section 2101.162, 2151.541, 2153.081, 2301.031, or 2303.201 or 1623
Chapter 4501., 4503., 4504., or 5735. of the Revised Code a 1624
sufficient amount to cover debt charges on and financing costs 1625
relating to the securities as they become due; 1626

(8) Securities issued for the purpose of acquiring, 1627
constructing, improving, and equipping a county, multicounty, or 1628
multicounty-municipal jail, workhouse, juvenile detention 1629
facility, or correctional facility; 1630

(9) Securities issued for the acquisition, construction, 1631
equipping, or repair of any permanent improvement or any class or 1632
group of permanent improvements enumerated in a resolution adopted 1633
pursuant to division (D) of section 5739.026 of the Revised Code 1634
to the extent that the legislation authorizing the issuance of the 1635
securities includes a covenant to appropriate from moneys received 1636
from the taxes authorized under section 5739.023 and division 1637
(A)(5) of section 5739.026 of the Revised Code an amount 1638
sufficient to pay debt charges on the securities and those moneys 1639
shall be pledged for that purpose; 1640

(10) Securities issued for county or joint county solid waste 1641
or hazardous waste collection, transfer, or disposal facilities, 1642
or resource recovery and solid or hazardous waste recycling 1643
facilities, or any combination of those facilities; 1644

(11) Securities issued for the acquisition, construction, and 1645
equipping of a port authority educational and cultural facility 1646
under section 307.671 of the Revised Code; 1647

(12) Securities issued for the acquisition, construction, 1648
equipping, and improving of a municipal educational and cultural 1649
facility under division (B)(1) of section 307.672 of the Revised 1650
Code; 1651

(13) Securities issued for energy conservation measures under 1652
section 307.041 of the Revised Code; 1653

(14) Securities issued for the acquisition, construction, 1654
equipping, improving, or repair of a sports facility, including 1655
obligations issued to pay costs of a sports facility under section 1656
307.673 of the Revised Code; 1657

(15) Securities issued under section 755.17 of the Revised Code if the legislation authorizing issuance of the securities includes a covenant to appropriate from revenue received from a tax authorized under division (A)(5) of section 5739.026 and section 5741.023 of the Revised Code an amount sufficient to pay debt charges on the securities, and the board of county commissioners pledges that revenue for that purpose, pursuant to section 755.171 of the Revised Code;

(16) Sales tax supported bonds issued pursuant to section 133.081 of the Revised Code for the purpose of acquiring, constructing, improving, or equipping any permanent improvement to the extent that the legislation authorizing the issuance of the sales tax supported bonds pledges county sales taxes to the payment of debt charges on the sales tax supported bonds and contains a covenant to appropriate from county sales taxes a sufficient amount to cover debt charges or the financing costs related to the sales tax supported bonds as they become due;

(17) Bonds or notes issued under section 133.60 of the Revised Code if the legislation authorizing issuance of the bonds or notes includes a covenant to appropriate from revenue received from a tax authorized under division (A)(9) of section 5739.026 and section 5741.023 of the Revised Code an amount sufficient to pay the debt charges on the bonds or notes, and the board of county commissioners pledges that revenue for that purpose;

(18) Securities issued under section 3707.55 of the Revised Code for the acquisition of real property by a general health district;

(19) Securities issued under division (A)(3) of section 3313.37 of the Revised Code for the acquisition of real and personal property by an educational service center;

(20) Securities issued for the purpose of paying the costs of

acquiring, constructing, reconstructing, renovating, 1689
rehabilitating, expanding, adding to, equipping, furnishing, or 1690
otherwise improving an arena, convention center, or a combination 1691
of an arena and convention center under section 307.695 of the 1692
Revised Code; 1693

(21) Securities issued for the purpose of paying project 1694
costs under section 307.678 of the Revised Code. 1695

(D) In calculating the net indebtedness of a county, no 1696
obligation incurred under division (F) of section 339.06 of the 1697
Revised Code shall be considered. 1698

Sec. 135.143. (A) The treasurer of state may invest or 1699
execute transactions for any part or all of the interim funds of 1700
the state in the following classifications of obligations: 1701

(1) United States treasury bills, notes, bonds, or any other 1702
obligations or securities issued by the United States treasury or 1703
any other obligation guaranteed as to principal and interest by 1704
the United States; 1705

(2) Bonds, notes, debentures, or any other obligations or 1706
securities issued by any federal government agency or 1707
instrumentality; 1708

(3) Bonds and other direct obligations of the state of Ohio 1709
issued by the treasurer of state and of the Ohio public facilities 1710
commission, the Ohio building authority, and the Ohio housing 1711
finance agency; 1712

(4)(a) Written repurchase agreements with any eligible Ohio 1713
financial institution that is a member of the federal reserve 1714
system or federal home loan bank or any recognized United States 1715
government securities dealer, under the terms of which agreement 1716
the treasurer of state purchases and the eligible financial 1717
institution or dealer agrees unconditionally to repurchase any of 1718

the securities that are listed in division (A)(1), (2), or (6) of 1719
this section and that will mature or are redeemable within ten 1720
years from the date of purchase. The market value of securities 1721
subject to these transactions must exceed the principal value of 1722
the repurchase agreement by an amount specified by the treasurer 1723
of state, and the securities must be delivered into the custody of 1724
the treasurer of state or the qualified trustee or agent 1725
designated by the treasurer of state. The agreement shall contain 1726
the requirement that for each transaction pursuant to the 1727
agreement, the participating institution or dealer shall provide 1728
all of the following information: 1729

(i) The par value of the securities; 1730

(ii) The type, rate, and maturity date of the securities; 1731

(iii) A numerical identifier generally accepted in the 1732
securities industry that designates the securities. 1733

(b) The treasurer of state also may sell any securities, 1734
listed in division (A)(1), (2), or (6) of this section, regardless 1735
of maturity or time of redemption of the securities, under the 1736
same terms and conditions for repurchase, provided that the 1737
securities have been fully paid for and are owned by the treasurer 1738
of state at the time of the sale. 1739

(5) Securities lending agreements with any eligible financial 1740
institution that is a member of the federal reserve system or 1741
federal home loan bank or any recognized United States government 1742
securities dealer, under the terms of which agreements the 1743
treasurer of state lends securities and the eligible financial 1744
institution or dealer agrees to simultaneously exchange similar 1745
securities or cash, equal value for equal value. 1746

Securities and cash received as collateral for a securities 1747
lending agreement are not interim funds of the state. The 1748
investment of cash collateral received pursuant to a securities 1749

lending agreement may be invested only in such instruments 1750
specified by the treasurer of state in accordance with a written 1751
investment policy. 1752

(6) Various forms of commercial paper issued by any 1753
corporation that is incorporated under the laws of the United 1754
States or a state, which notes are rated at the time of purchase 1755
in the two highest categories by two nationally recognized rating 1756
agencies, provided that the total amount invested under this 1757
section in any commercial paper at any time shall not exceed 1758
twenty-five per cent of the state's total average portfolio, as 1759
determined and calculated by the treasurer of state; 1760

(7) Bankers acceptances, maturing in two hundred seventy days 1761
or less, which are eligible for purchase by the federal reserve 1762
system, provided that the total amount invested in bankers 1763
acceptances at any time shall not exceed ten per cent of the 1764
state's total average portfolio, as determined and calculated by 1765
the treasurer of state; 1766

(8) Certificates of deposit in eligible institutions applying 1767
for interim moneys as provided in section 135.08 of the Revised 1768
Code, including linked deposits as provided in sections 135.61 to 1769
135.67 of the Revised Code, agricultural linked deposits as 1770
provided in sections 135.71 to 135.76 of the Revised Code, and 1771
housing linked deposits as provided in sections 135.81 to 135.87 1772
of the Revised Code; 1773

(9) The state treasurer's investment pool authorized under 1774
section 135.45 of the Revised Code; 1775

(10) Debt interests, other than commercial paper described in 1776
division (A)(6) of this section, rated at the time of purchase in 1777
the three highest categories by two nationally recognized rating 1778
agencies and issued by corporations that are incorporated under 1779
the laws of the United States or a state, or issued by foreign 1780

nations diplomatically recognized by the United States government, 1781
or any instrument based on, derived from, or related to such 1782
interests, provided that: 1783

(a) The investments in debt interests shall not exceed in the 1784
aggregate twenty-five per cent of the state's portfolio; 1785

(b) The investments in debt interests issued by foreign 1786
nations shall not exceed in the aggregate one per cent of the 1787
state's portfolio; 1788

(c) The investments in the debt interests of a single issuer 1789
shall not exceed in the aggregate one-half of one per cent of the 1790
state's portfolio, except that debt interests of a single issuer 1791
that is a foreign nation shall not exceed in the aggregate one per 1792
cent of the state's portfolio. 1793

The treasurer of state shall invest under division (A)(10) of 1794
this section in a debt interest issued by a foreign nation only if 1795
the debt interest is backed by the full faith and credit of that 1796
foreign nation, and provided that all interest and principal shall 1797
be denominated and payable in United States funds. 1798

For purposes of division (A)(10) of this section, a debt 1799
interest is rated in the three highest categories by two 1800
nationally recognized rating agencies if either the debt interest 1801
itself or the issuer of the debt interest is rated, or is 1802
implicitly rated, at the time of purchase in the three highest 1803
categories by two nationally recognized rating agencies. 1804

For purposes of division (A)(10) of this section, the 1805
"state's portfolio" means the state's total average portfolio, as 1806
determined and calculated by the treasurer of state. 1807

(11) No-load money market mutual funds consisting exclusively 1808
of obligations described in division (A)(1), (2), or (6) of this 1809
section and repurchase agreements secured by such obligations. 1810

(12) Obligations of a political subdivision issued under 1811
Chapter 133. of the Revised Code and identified in an agreement 1812
described in division (G) of this section. 1813

(B) Whenever, during a period of designation, the treasurer 1814
of state classifies public moneys as interim moneys, the treasurer 1815
of state shall notify the state board of deposit of such action. 1816
The notification shall be given within thirty days after such 1817
classification and, in the event the state board of deposit does 1818
not concur in such classification or in the investments or 1819
deposits made under this section, the board may order the 1820
treasurer of state to sell or liquidate any of the investments or 1821
deposits, and any such order shall specifically describe the 1822
investments or deposits and fix the date upon which they are to be 1823
sold or liquidated. Investments or deposits so ordered to be sold 1824
or liquidated shall be sold or liquidated for cash by the 1825
treasurer of state on the date fixed in such order at the then 1826
current market price. Neither the treasurer of state nor the 1827
members of the state board of deposit shall be held accountable 1828
for any loss occasioned by sales or liquidations of investments or 1829
deposits at prices lower than their cost. Any loss or expense 1830
incurred in making these sales or liquidations is payable as other 1831
expenses of the treasurer's office. 1832

(C) If any securities or obligations invested in by the 1833
treasurer of state pursuant to this section are registrable either 1834
as to principal or interest, or both, such securities or 1835
obligations shall be registered in the name of the treasurer of 1836
state. 1837

(D) The treasurer of state is responsible for the safekeeping 1838
of all securities or obligations under this section. Any such 1839
securities or obligations may be deposited for safekeeping as 1840
provided in section 113.05 of the Revised Code. 1841

(E) Interest earned on any investments or deposits authorized 1842

by this section shall be collected by the treasurer of state and 1843
credited by the treasurer of state to the proper fund of the 1844
state. 1845

(F) Whenever investments or deposits acquired under this 1846
section mature and become due and payable, the treasurer of state 1847
shall present them for payment according to their tenor, and shall 1848
collect the moneys payable thereon. The moneys so collected shall 1849
be treated as public moneys subject to sections 135.01 to 135.21 1850
of the Revised Code. 1851

(G) The treasurer of state and any political subdivision 1852
issuing obligations referred to in division (A)(12) of this 1853
section, which obligations mature within one year from the 1854
original date of issuance, may enter into an agreement providing 1855
for: 1856

(1) The purchase of those obligations by the treasurer of 1857
state on terms and subject to conditions set forth in the 1858
agreement; 1859

(2) The payment by the political subdivision to the treasurer 1860
of state of a reasonable fee as consideration for the agreement of 1861
the treasurer of state to purchase those obligations; provided, 1862
however, that the treasurer of state shall not be authorized to 1863
enter into any such agreement with a board of education of a 1864
school district that has an outstanding obligation with respect to 1865
a loan received under authority of section 3313.483 of the Revised 1866
Code. 1867

(H) For purposes of division (G) of this section, a fee shall 1868
not be considered reasonable unless it is set to recover only the 1869
direct costs, a reasonable estimate of the indirect costs 1870
associated with the purchasing of obligations of a political 1871
subdivision under division (G) of this section and any reselling 1872
of the obligations or any interest in the obligations, including 1873

interests in a fund comprised of the obligations, and the 1874
administration thereof. No money from the general revenue fund 1875
shall be used to subsidize the purchase or resale of these 1876
obligations. 1877

(I) All money collected by the treasurer of state from the 1878
fee imposed by division (G) of this section shall be deposited to 1879
the credit of the state political subdivision obligations fund, 1880
which is hereby created in the state treasury. Money credited to 1881
the fund shall be used solely to pay the treasurer of state's 1882
direct and indirect costs associated with purchasing and reselling 1883
obligations of a political subdivision under division (G) of this 1884
section. 1885

(J) In addition to the classifications of obligations set 1886
forth in divisions (A)(1) to (12) of this section, the treasurer 1887
of state may purchase obligations that are issued by a political 1888
subdivision relating to an eligible federal-military project 1889
approved by the federal-military jobs commission pursuant to 1890
Chapter 193. of the Revised Code and identified in an agreement 1891
described in division (J) of this section. A political subdivision 1892
and the treasurer of state may enter into an agreement that 1893
provides for the purchase of obligations under this section by the 1894
treasurer of state under the terms and conditions set forth in the 1895
agreement. Pursuant to the terms and conditions of the agreement, 1896
the political subdivision may provide for the payment of a 1897
reasonable fee to the treasurer of state as consideration for the 1898
treasurer of state purchasing the obligations, which shall be 1899
deposited into the state political subdivision obligations fund. 1900
The principal amount of obligations subject to agreements 1901
described in this division shall not exceed two hundred million 1902
dollars at any one time. No money from the general revenue fund 1903
shall be used to subsidize the purchase or resale of these 1904
obligations. 1905

(K) As used in this section, "political subdivision" means
any political subdivision, taxing district, or other local or
regional public body, agency, or instrumentality authorized under
applicable law to issue bonds, notes, or other evidences of
indebtedness, except that, for the purposes of divisions (A)(12),
(G), (H), and (I) of this section, "political subdivision" means a
county, township, municipal corporation, or board of education of
a school district.

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

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

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

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

(b) Expenditures attributable to work done to facilities
related to the building, such as parking lots, sidewalks, and

landscaping;	1937
(c) New building construction costs.	1938
(3) "Owner" of an historic building means a person holding the fee simple interest in the building. "Owner" does not include the state or a state agency, or any political subdivision as defined in section 9.23 of the Revised Code.	1939 1940 1941 1942
(4) "Qualified lessee" means a person subject to a lease agreement for an historic building and eligible for the federal rehabilitation tax credit under 26 U.S.C. 47. "Qualified lessee" does not include the state or a state agency or political subdivision as defined in section 9.23 of the Revised Code.	1943 1944 1945 1946 1947
(5) "Certificate owner" means the owner or qualified lessee of an historic building to which a rehabilitation tax credit certificate was issued under this section.	1948 1949 1950
(6) "Registered historic district" means an historic district listed in the national register of historic places under 16 U.S.C. 470a, an historic district designated by a local government certified under 16 U.S.C. 470a(c), or a local historic district certified under 36 C.F.R. 67.8 and 67.9.	1951 1952 1953 1954 1955
(7) "Rehabilitation" means the process of repairing or altering an historic building or buildings, making possible an efficient use while preserving those portions and features of the building and its site and environment that are significant to its historic, architectural, and cultural values.	1956 1957 1958 1959 1960
(8) "Rehabilitation period" means one of the following:	1961
(a) If the rehabilitation initially was not planned to be completed in stages, a period chosen by the owner or qualified lessee not to exceed twenty-four months during which rehabilitation occurs;	1962 1963 1964 1965
(b) If the rehabilitation initially was planned to be	1966

completed in stages, a period chosen by the owner or qualified
lessee not to exceed sixty months during which rehabilitation
occurs. Each stage shall be reviewed as a phase of a
rehabilitation as determined under 26 C.F.R. 1.48-12 or a
successor to that section.

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

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

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

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

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

(1) Forms and procedures by which applicants may apply for

rehabilitation tax credit certificates;	1998
(2) Criteria for reviewing, evaluating, and approving applications for certificates within the limitations under division (D) of this section, criteria for assuring that the certificates issued encompass a mixture of high and low qualified rehabilitation expenditures, and criteria for issuing certificates under division (C)(3)(b) of this section;	1999 2000 2001 2002 2003 2004
(3) Eligibility requirements for obtaining a certificate under this section;	2005 2006
(4) The form of rehabilitation tax credit certificates;	2007
(5) Reporting requirements and monitoring procedures;	2008
(6) Procedures and criteria for conducting cost-benefit analyses of historic buildings that are the subjects of applications filed under this section. The purpose of a cost-benefit analysis shall be to determine whether rehabilitation of the historic building will result in a net revenue gain in state and local taxes once the building is used.	2009 2010 2011 2012 2013 2014
(7) Any other rules necessary to implement and administer this section.	2015 2016
(C) The director of development services shall review the applications with the assistance of the state historic preservation officer and determine whether all of the following criteria are met:	2017 2018 2019 2020
(1) That the building that is the subject of the application is an historic building and the applicant is the owner or qualified lessee of the building;	2021 2022 2023
(2) That the rehabilitation will satisfy standards prescribed by the United States secretary of the interior under 16 U.S.C. 470, et seq., as amended, and 36 C.F.R. 67.7 or a successor to that section;	2024 2025 2026 2027

(3) That receiving a rehabilitation tax credit certificate 2028
under this section is a major factor in: 2029

(a) The applicant's decision to rehabilitate the historic 2030
building; or 2031

(b) To increase the level of investment in such 2032
rehabilitation. 2033

An applicant shall demonstrate to the satisfaction of the 2034
state historic preservation officer and director of development 2035
services that the rehabilitation will satisfy the standards 2036
described in division (C)(2) of this section before the applicant 2037
begins the physical rehabilitation of the historic building. 2038

(D)(1) If the director of development services determines 2039
that an application meets the criteria in divisions (C)(1), (2), 2040
and (3) of this section, the director shall conduct a cost-benefit 2041
analysis for the historic building that is the subject of the 2042
application to determine whether rehabilitation of the historic 2043
building will result in a net revenue gain in state and local 2044
taxes once the building is used. The director shall consider the 2045
results of the cost-benefit analysis in determining whether to 2046
approve the application. The director shall also consider the 2047
potential economic impact and the regional distributive balance of 2048
the credits throughout the state. The director may approve an 2049
application only after completion of the cost-benefit analysis. 2050

(2) A rehabilitation tax credit certificate shall not be 2051
issued for an amount greater than the estimated amount furnished 2052
by the applicant on the application for such certificate and 2053
approved by the director. The director shall not approve more than 2054
a total of sixty million dollars of rehabilitation tax credits per 2055
fiscal year but the director may reallocate unused tax credits 2056
from a prior fiscal year for new applicants and such reallocated 2057
credits shall not apply toward the dollar limit of this division. 2058

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

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

If an applicant whose application is approved for receipt of a rehabilitation tax credit certificate fails to provide to the director sufficient evidence of reviewable progress, including a viable financial plan, copies of final construction drawings, and evidence that the applicant has obtained all historic approvals within twelve months after the date the applicant received notification of approval, and if the applicant fails to provide evidence to the director that the applicant has secured and closed on financing for the rehabilitation within eighteen months after receiving notification of approval, the director may rescind the approval of the application. The director shall notify the

applicant if the approval has been rescinded. Credits that would 2091
have been available to an applicant whose approval was rescinded 2092
shall be available for other qualified applicants. Nothing in this 2093
division prohibits an applicant whose approval has been rescinded 2094
from submitting a new application for a rehabilitation tax credit 2095
certificate. 2096

(6) The director of development services may approve the 2097
application of, and issue a rehabilitation tax credit certificate 2098
to, the owner of a catalytic project, provided the application 2099
otherwise meets the criteria described in divisions (C) and (D) of 2100
this section. The director may not issue more than one 2101
rehabilitation tax credit certificate under division (D)(6) of 2102
this section during each state fiscal biennium. The director shall 2103
consider the following criteria in determining whether to issue a 2104
certificate under division (D)(6) of this section: 2105

(a) Whether the historic building is a catalytic project; 2106

(b) The effect issuance of the certificate would have on the 2107
availability of credits for other applicants that qualify for a 2108
credit certificate within the credit dollar limit described in 2109
division (D)(2) of this section; 2110

(c) The number of jobs, if any, the catalytic project will 2111
create. 2112

(7)(a) The owner or qualified lessee of a historic building 2113
may apply for a rehabilitation tax credit certificate under both 2114
divisions (B) and (D)(6) of this section. In such a case, the 2115
director of development services shall consider each application 2116
at the time the application is submitted. 2117

(b) The director of development services shall not issue more 2118
than one certificate under this section with respect to the same 2119
qualified rehabilitation expenditures. 2120

(E) Issuance of a certificate represents a finding by the 2121

director of development services of the matters described in 2122
divisions (C)(1), (2), and (3) of this section only; issuance of a 2123
certificate does not represent a verification or certification by 2124
the director of the amount of qualified rehabilitation 2125
expenditures for which a tax credit may be claimed under section 2126
5725.151, 5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the 2127
Revised Code. The amount of qualified rehabilitation expenditures 2128
for which a tax credit may be claimed is subject to inspection and 2129
examination by the tax commissioner or employees of the 2130
commissioner under section 5703.19 of the Revised Code and any 2131
other applicable law. Upon the issuance of a certificate, the 2132
director shall certify to the tax commissioner, in the form and 2133
manner requested by the tax commissioner, the name of the 2134
applicant, the amount of qualified rehabilitation expenditures 2135
shown on the certificate, and any other information required by 2136
the rules adopted under this section. 2137

(F)(1) On or before the first day of April each year, the 2138
director of development services and tax commissioner jointly 2139
shall submit to the president of the senate and the speaker of the 2140
house of representatives a report on the tax credit program 2141
established under this section and sections 5725.151, 5725.34, 2142
5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code. The 2143
report shall present an overview of the program and shall include 2144
information on the number of rehabilitation tax credit 2145
certificates issued under this section during the preceding fiscal 2146
year, an update on the status of each historic building for which 2147
an application was approved under this section, the dollar amount 2148
of the tax credits granted under sections 5725.151, 5725.34, 2149
5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code, and 2150
any other information the director and commissioner consider 2151
relevant to the topics addressed in the report. 2152

(2) On or before December 1, 2015, the director of 2153

development services and tax commissioner jointly shall submit to 2154
the president of the senate and the speaker of the house of 2155
representatives a comprehensive report that includes the 2156
information required by division (F)(1) of this section and a 2157
detailed analysis of the effectiveness of issuing tax credits for 2158
rehabilitating historic buildings. The report shall be prepared 2159
with the assistance of an economic research organization jointly 2160
chosen by the director and commissioner. 2161

(G) There is hereby created in the state treasury the 2162
historic rehabilitation tax credit operating fund. The director of 2163
development services is authorized to charge reasonable 2164
application and other fees in connection with the administration 2165
of tax credits authorized by this section and sections 5725.151, 2166
5725.34, 5726.52, 5729.17, ~~5733.44~~ 5733.47, and 5747.76 of the 2167
Revised Code. Any such fees collected shall be credited to the 2168
fund and used to pay reasonable costs incurred by the department 2169
of development services in administering this section and sections 2170
5725.151, 5725.34, 5726.52, 5729.17, ~~5733.44~~ 5733.47, and 5747.76 2171
of the Revised Code. 2172

The Ohio historic preservation office is authorized to charge 2173
reasonable fees in connection with its review and approval of 2174
applications under this section. Any such fees collected shall be 2175
credited to the fund and used to pay administrative costs incurred 2176
by the Ohio historic preservation office pursuant to this section. 2177

(H) Notwithstanding sections 5725.151, 5725.34, 5726.52, 2178
5729.17, 5733.47, and 5747.76 of the Revised Code, the certificate 2179
owner of a tax credit certificate issued under division (D)(6) of 2180
this section may claim a tax credit equal to twenty-five per cent 2181
of the dollar amount indicated on the certificate for a total 2182
credit of not more than twenty-five million dollars. The credit 2183
claimed by such a certificate owner for any calendar year, tax 2184
year, or taxable year under section 5725.151, 5725.34, 5726.52, 2185

5729.17, 5733.47, or 5747.76 of the Revised Code shall not exceed 2186
five million dollars. If the certificate owner is eligible for 2187
more than five million dollars in total credits, the certificate 2188
owner may carry forward the balance of the credit in excess of the 2189
amount claimed for that year for not more than five ensuing 2190
calendar years, tax years, or taxable years. If the credit claimed 2191
in any calendar year, tax year, or taxable year exceeds the tax 2192
otherwise due, the excess shall be refunded to the taxpayer. 2193

Sec. 149.38. (A) Except as otherwise provided in section 2194
307.847 of the Revised Code, there is hereby created in each 2195
county a county records commission, composed of a member of the 2196
board of county commissioners as chairperson, the prosecuting 2197
attorney, the auditor, the recorder, and the clerk of the court of 2198
common pleas. The commission shall appoint a secretary, who may or 2199
may not be a member of the commission and who shall serve at the 2200
pleasure of the commission. The commission may employ an archivist 2201
or records manager to serve under its direction. The commission 2202
shall meet at least once every six months and upon the call of the 2203
chairperson. 2204

(B)(1) The functions of the county records commission shall 2205
be to provide rules for retention and disposal of records of the 2206
county, and to review applications for one-time disposal of 2207
obsolete records and schedules of records retention and 2208
disposition submitted by county offices. The commission may 2209
dispose of records pursuant to the procedure outlined in this 2210
section. The commission, at any time, may review any schedule it 2211
has previously approved and, for good cause shown, may revise that 2212
schedule, subject to division (D) of this section. 2213

(2)(a) As used in division (B)(2) of this section, "paper 2214
case records" means written reports of child abuse or neglect, 2215
written records of investigations, or other written records 2216

required to be prepared under section 2151.421, 5101.13, 5153.166, 2217
or 5153.17 of the Revised Code. 2218

(b) A county public children services agency may submit to 2219
the county records commission applications for one-time disposal, 2220
or schedules of records retention and disposition, of paper case 2221
records that have been entered into permanently maintained and 2222
retrievable fields in the state automated child welfare 2223
information system established under section 5101.13 of the 2224
Revised Code or entered into other permanently maintained and 2225
retrievable electronic files. The county records commission may 2226
dispose of the paper case records pursuant to the procedure 2227
outlined in this section. 2228

(C)(1) When the county records commission has approved any 2229
county application for one-time disposal of obsolete records or 2230
any schedule of records retention and disposition, the commission 2231
shall send that application or schedule to the Ohio historical 2232
society for its review. The Ohio historical society shall review 2233
the application or schedule within a period of not more than sixty 2234
days after its receipt of it. During the sixty-day review period, 2235
the Ohio historical society may select for its custody from the 2236
application for one-time disposal of obsolete records any records 2237
it considers to be of continuing historical value, and shall 2238
denote upon any schedule of records retention and disposition any 2239
records for which the Ohio historical society will require a 2240
certificate of records disposal prior to their disposal. 2241

(2) Upon completion of its review, the Ohio historical 2242
society shall forward the application for one-time disposal of 2243
obsolete records or the schedule of records retention and 2244
disposition to the auditor of state for the auditor's approval or 2245
disapproval. The auditor of state shall approve or disapprove the 2246
application or schedule within a period of not more than sixty 2247
days after receipt of it. 2248

(3) Before public records are to be disposed of pursuant to 2249
an approved schedule of records retention and disposition, the 2250
county records commission shall inform the Ohio historical society 2251
of the disposal through the submission of a certificate of records 2252
disposal for only the records required by the schedule to be 2253
disposed of and shall give the society the opportunity for a 2254
period of fifteen business days to select for its custody those 2255
records, from the certificate submitted, that it considers to be 2256
of continuing historical value. Upon the expiration of the 2257
fifteen-business-day period, the county records commission also 2258
shall notify the public libraries, county historical society, 2259
state universities, and other public or quasi-public institutions, 2260
agencies, or corporations in the county that have provided the 2261
commission with their name and address for these notification 2262
purposes, that the commission has informed the Ohio historical 2263
society of the records disposal and that the notified entities, 2264
upon written agreement with the Ohio historical society pursuant 2265
to section 149.31 of the Revised Code, may select records of 2266
continuing historical value, including records that may be 2267
distributed to any of the notified entities under section 149.31 2268
of the Revised Code. Any notified entity that notifies the county 2269
records commission of its intent to review and select records of 2270
continuing historical value from certificates of records disposal 2271
is responsible for the cost of any notice given and for the 2272
transportation of those records. 2273

(D) The rules of the county records commission shall include 2274
a rule that requires any receipts, checks, vouchers, or other 2275
similar records pertaining to expenditures from the delinquent tax 2276
and assessment collection fund created in section 321.261 of the 2277
Revised Code, from the real estate assessment fund created in 2278
section 325.31 of the Revised Code, or from amounts allocated for 2279
the furtherance of justice to the county sheriff under section 2280
325.071 of the Revised Code or to the prosecuting attorney under 2281

section 325.12 of the Revised Code to be retained for at least 2282
four years. 2283

(E) No person shall knowingly violate the rule adopted under 2284
division (D) of this section. Whoever violates that rule is guilty 2285
of a misdemeanor of the first degree. 2286

Sec. 153.56. (A) Any person to whom any money is due for 2287
labor or work performed or materials furnished in a public 2288
improvement as provided in section 153.54 of the Revised Code, at 2289
any time after performing the labor or work or furnishing the 2290
materials, but not later than ninety days after the completion of 2291
the contract by the principal contractor or design-build firm and 2292
the acceptance of the public improvement for which the bond was 2293
provided by the duly authorized board or officer, shall furnish 2294
the sureties on the bond, a statement of the amount due to the 2295
person. 2296

(B) A suit shall not be brought against sureties on the bond 2297
until after sixty days after the furnishing of the statement 2298
described in division (A) of this section. If the indebtedness is 2299
not paid in full at the expiration of that sixty days, and if the 2300
person complies with division (C) of this section, the person may 2301
bring an action in the person's own name upon the bond, as 2302
provided in sections 2307.06 and 2307.07 of the Revised Code, that 2303
action to be commenced, notwithstanding section 2305.12 of the 2304
Revised Code, not later than one year from the date of acceptance 2305
of the public improvement for which the bond was provided. 2306

(C) To exercise rights under this section, a subcontractor or 2307
materials supplier supplying labor or materials that cost more 2308
than thirty thousand dollars, who is not in direct privity of 2309
contract with the principal contractor or design-build firm for 2310
the public improvement, shall serve a notice of furnishing upon 2311
the principal contractor or design-build firm in the form provided 2312

in section 1311.261 of the Revised Code. 2313

(D) A subcontractor or materials supplier who serves a notice 2314
of furnishing under division (C) of this section as required to 2315
exercise rights under this section has the right of recovery only 2316
as to amounts owed for labor and work performed and materials 2317
furnished during and after the twenty-one days immediately 2318
preceding service of the notice of furnishing. 2319

(E) For purposes of this section: 2320

(1) "Design-build firm" has the same meaning as in section 2321
153.65 of the Revised Code. 2322

(2) "Principal contractor" has the same meaning as in section 2323
1311.25 of the Revised Code, and may include a "~~construction~~ 2324
~~manager~~" and a "construction manager at risk" as defined in 2325
section 9.33 of the Revised Code. 2326

Sec. 156.03. (A) If the executive director of the Ohio 2327
facilities construction commission wishes to enter into an 2328
installment payment contract pursuant to section 156.04 of the 2329
Revised Code or any other contract to implement one or more energy 2330
or water saving measures, the executive director may proceed under 2331
Chapter 153. of the Revised Code, or, alternatively, the executive 2332
director may request the controlling board to exempt the contract 2333
from Chapter 153. of the Revised Code. 2334

A surety bond furnished pursuant to section 153.54 of the 2335
Revised Code shall not secure obligations related to energy or 2336
water savings as referenced in division (D) of this section. 2337

If the controlling board by a majority vote approves an 2338
exemption, that chapter shall not apply to the contract and 2339
instead the executive director shall request proposals from at 2340
least three parties for the implementation of the energy or water 2341
saving measures. Prior to providing any interested party a copy of 2342

any such request, the executive director shall advertise, in a 2343
newspaper of general circulation in the county where the contract 2344
is to be performed, and may advertise by electronic means pursuant 2345
to rules adopted by the executive director, the executive 2346
director's intent to request proposals for the implementation of 2347
the energy or water saving measures. The notice shall invite 2348
interested parties to submit proposals for consideration and shall 2349
be published at least thirty days prior to the date for accepting 2350
proposals. 2351

(B) Upon receiving the proposals, the executive director 2352
shall analyze them and, after considering the cost estimates of 2353
each proposal and the availability of funds to pay for each with 2354
current appropriations or by financing the cost of each through an 2355
installment payment contract under section 156.04 of the Revised 2356
Code, may select one or more proposals or reject all proposals. In 2357
selecting proposals, the executive director shall select the one 2358
or more proposals most likely to result in the greatest energy, 2359
water, or wastewater savings, operating costs savings, and avoided 2360
capital costs created. 2361

(C) No contract shall be awarded to implement energy or water 2362
saving measures under this section, unless the executive director 2363
finds that both of the following circumstances exists: 2364

(1) Not less than one-fifteenth of the costs of the contract 2365
shall be paid within two years from the date of purchase; 2366

(2) In the case of a contract for a cogeneration system 2367
described in division (B)(8) of section 156.01 of the Revised 2368
Code, the remaining balance of the cost of the contract shall be 2369
paid within twenty years from the date of purchase, and, in the 2370
case of all other contracts, fifteen years. 2371

(D) If the executive director determines that a surety bond 2372
is necessary to secure energy or water savings guaranteed in the 2373

contract, the energy services company shall provide a surety bond 2374
that satisfies all of the following requirements: 2375

(1) The penal sum of the surety bond for the first guarantee 2376
year shall equal the amount of savings included in the annual 2377
guaranteed savings amount that is measured and calculated in 2378
accordance with the measurement and verification plan included in 2379
the contract, but may not include savings that are not measured or 2380
that are stipulated in the contract. The annual guaranteed savings 2381
amount shall include only the savings guaranteed in the contract 2382
for the one-year term that begins on the first day of the first 2383
savings guarantee year and may not include amounts from subsequent 2384
years. 2385

(2) The surety bond shall have a term of not more than one 2386
year unless renewed. At the option of the executive director, the 2387
surety bond may be renewed for one or two additional terms, each 2388
term not to exceed one year. The surety bond may not be renewed or 2389
extended so that it is in effect for more than three consecutive 2390
years. 2391

In the event of a renewal, the penal sum of the surety bond 2392
for each renewed year shall be revised so that the penal sum 2393
equals the annual guaranteed savings amount for such renewal year 2394
that is measured and calculated in accordance with the measurement 2395
and verification plan included in the contract, but may not 2396
include savings that are not measured or that are stipulated in 2397
the contract. Regardless of the number of renewals of the bond, 2398
the aggregate liability under each renewed bond may not exceed the 2399
penal sum stated in the renewal certificate for the applicable 2400
renewal year. 2401

(3) The surety bond for the first year shall be issued within 2402
thirty days of the commencement of the first savings guarantee 2403
year under the contract. 2404

In the event of renewal, the surety shall deliver to the 2405
executive director a renewal certificate reflecting the revised 2406
penal sum within thirty days of the executive director's request. 2407
The executive director shall deliver the request for renewal not 2408
less than thirty days prior to the expiration date of the surety 2409
bond then in existence. 2410

Sec. 163.15. (A) As soon as the agency pays to the party 2411
entitled thereto or deposits with the court the amount of the 2412
award and the costs assessed against the agency, it may take 2413
possession; provided, that this shall not be construed to limit 2414
the right of a public agency to enter and take possession, as 2415
provided in section 163.06 of the Revised Code. When the agency is 2416
entitled to possession the court shall enter an order to such 2417
effect upon the record and, if necessary, process shall be issued 2418
to place the agency in possession. Whenever a final journal entry 2419
in an appropriation proceeding, granting to this state a fee title 2420
or any lesser estate or interest in real property is filed and 2421
journalized by the clerk of courts, the clerk of courts shall 2422
forthwith transmit to the county auditor a certified copy of said 2423
final journal entry who shall transfer the property on the 2424
auditor's books and transmit said entry with proper endorsement to 2425
the county recorder for recording. The costs of filing such final 2426
journal entry with the county auditor and the county recorder 2427
shall be taxed as costs in the appropriation proceedings the same 2428
as other costs are taxed under section 163.16 of the Revised Code. 2429

(B)(1) Whenever the appropriation of real property requires 2430
the owner, a commercial tenant, or a residential tenant identified 2431
by the owner in a notice filed with the court to move or relocate, 2432
the agency shall make a payment to that person, upon proper 2433
application as approved by the agency, for all of the following: 2434

(a) Actual reasonable expenses in moving the person and the 2435

person's family, business, farm operation, or other personal property;	2436 2437
(b) Actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property, as determined by the agency;	2438 2439 2440 2441 2442
(c) Actual reasonable expenses in searching for a replacement business or farm, but not to exceed two thousand five hundred dollars;	2443 2444 2445
(d) Actual and reasonable expenses necessary to reestablish a farm, nonprofit organization, or small business at its new site, but not to exceed ten <u>twenty-five</u> thousand dollars.	2446 2447 2448
(2) If the agency does not approve a payment for which the owner applied under division (B)(1) of this section, the trier of fact, upon presentation of proof, shall determine whether to award a payment for the expenses described in division (B)(1) of this section and the amount of any award. The owner shall have the burden of proof with respect to those expenses.	2449 2450 2451 2452 2453 2454
(3)(a) In addition to any payments an owner of a business may receive under division (B)(1) of this section, an owner of a business who is required by an appropriation of real property to relocate the business may recover damages for the owner's actual economic loss resulting from the appropriation, as proven by the owner by a preponderance of the evidence. Compensation for actual economic loss under this division shall not include any attorney's fees and shall not duplicate any amount awarded as compensation under this chapter.	2455 2456 2457 2458 2459 2460 2461 2462 2463
(b) The amount of compensation awarded under division (B)(3)(a) of this section shall not exceed twelve months net profit of the business on an annualized basis. Except as otherwise	2464 2465 2466

provided in division (B)(3)(c) of this section, if the agency is 2467
appropriating property in time of war or other public exigency 2468
imperatively requiring its immediate seizure, for the purpose of 2469
making or repairing roads that shall be open to the public without 2470
charge, for the purpose of implementing rail service under Chapter 2471
4981. of the Revised Code, or under section 307.08, 504.19, 2472
6101.181, 6115.221, 6117.39, or 6119.11 of the Revised Code as the 2473
result of a public exigency, or the agency is a municipal 2474
corporation that is appropriating property as a result of a public 2475
exigency, the period for which the net profit of the business is 2476
calculated shall be twelve months minus the time period from the 2477
date the agency gives the notice required by section 163.04 of the 2478
Revised Code to the date the agency deposits the value of the 2479
property with the court pursuant to section 163.06 of the Revised 2480
Code or pays that amount to the owner, but in no event shall the 2481
compensation time period be less than fifteen days. If the period 2482
on which the loss is calculated is reduced to fifteen days and the 2483
relocation is unusually complex, the owner may request the agency 2484
to increase that period by up to fifteen additional days. If the 2485
agency fails to pay the compensation as provided under division 2486
(B)(3)(a) of this section or denies the request, the owner may 2487
seek an award of such compensation pursuant to this section. 2488

(c) In case of an act of God or other public exigency that 2489
requires an immediate taking of property to protect public health 2490
or safety or in case of a voluntary conveyance, the amount of 2491
compensation awarded under division (B)(3)(a) of this section 2492
shall not exceed fifteen days net profit of the business on an 2493
annualized basis. The owner may request the agency to increase 2494
that period by up to fifteen additional days. If the agency fails 2495
to pay the compensation as provided under division (B)(3)(a) of 2496
this section or denies the request, the owner may seek an award of 2497
such compensation pursuant to this section. 2498

Sec. 163.53. (A) Whenever the acquisition of real property	2499
for a program or project undertaken by a displacing agency will	2500
result in the displacement of any person, the head of the agency	2501
shall make a payment to any displaced person, upon proper	2502
application as approved by such agency head, for all of the	2503
following:	2504
(1) Actual reasonable expenses in moving the person, the	2505
person's family, business, farm operation, or other personal	2506
property;	2507
(2) Actual direct losses of tangible personal property as a	2508
result of moving or discontinuing a business or farm operation,	2509
but not to exceed an amount equal to the reasonable expenses that	2510
would have been required to relocate such property, as determined	2511
by the head of the displacing agency;	2512
(3) Actual reasonable expenses in searching for a replacement	2513
business or farm, but not to exceed two thousand five hundred	2514
dollars;	2515
(4) Actual and reasonable expenses necessary to reestablish a	2516
displaced farm, nonprofit organization, or small business at its	2517
new site, but not to exceed ten <u>twenty-five</u> thousand dollars.	2518
(B) Any displaced person eligible for payments under division	2519
(A) of this section who is displaced from a dwelling and who	2520
elects to accept the payments authorized by this division in lieu	2521
of the payments authorized by division (A) of this section may	2522
receive an expense and dislocation allowance, determined according	2523
to a schedule established by the head of the displacing agency.	2524
(C) Any displaced person eligible for payments under division	2525
(A) of this section who is displaced from the person's place of	2526
business or from the person's farm operation may qualify for the	2527
payment authorized by this division in lieu of the payment	2528

authorized by division (A) of this section. The payment authorized 2529
by this division shall consist of a fixed payment in an amount to 2530
be determined according to criteria established by the head of the 2531
lead agency, except that such payment shall be not less than one 2532
thousand dollars nor more than ~~twenty~~ forty thousand dollars. A 2533
person whose sole business at the displacement dwelling is the 2534
rental of such property to others does not qualify for a payment 2535
under this division. 2536

(D)(1) Except as provided in section 5501.51 of the Revised 2537
Code, if a program or project undertaken by a displacing agency 2538
results in the relocation of a utility facility, and the purpose 2539
of the program or project was not to relocate or reconstruct any 2540
utility facility; and if the owner of the utility facility which 2541
is being relocated under such program or project has entered into 2542
a franchise or similar agreement with the state or local 2543
government on whose property, easement, or right-of-way such 2544
facility is located with respect to the use of such property, 2545
easement, or right-of-way; and if the relocation of such facility 2546
results in such owner incurring an extraordinary cost in 2547
connection with such relocation; then the displacing agency may, 2548
in accordance with such rules as the head of the lead agency may 2549
adopt, provide to such owner a relocation payment which may not 2550
exceed the amount of such extraordinary cost, less any increase in 2551
the value of the new utility facility above the value of the old 2552
utility facility, and less any salvage value derived from the old 2553
utility facility. 2554

(2) As used in division (D) of this section: 2555

(a) "Extraordinary cost in connection with a relocation" 2556
means any cost incurred by the owner of a utility facility in 2557
connection with relocation of such facility that is determined by 2558
the head of the displacing agency, under such rules as the head of 2559
the lead agency shall adopt, to be a nonroutine relocation 2560

expense, to be a cost that owner ordinarily does not include in 2561
its annual budget as an expense of operation, and to meet such 2562
other requirements as the lead agency may prescribe in such rules. 2563

(b) "Utility facility" means any electric, gas, water, steam 2564
power, or materials transmission or distribution system; any 2565
transportation system; any communications system, including cable 2566
television; and any fixture, equipment, or other property 2567
associated with the operation, maintenance, or repair of any such 2568
system; which is located on property owned by a state or local 2569
government or over which a state or local government has an 2570
easement or right-of-way. A utility facility may be publicly, 2571
privately, or cooperatively owned. 2572

Sec. 163.54. (A) In addition to payments otherwise authorized 2573
by sections 163.51 to 163.62 of the Revised Code, the head of the 2574
displacing agency shall make an additional payment not to exceed 2575
~~twenty-two~~ thirty-one thousand ~~five hundred~~ dollars to any 2576
displaced person who is displaced from a dwelling actually owned 2577
and occupied by ~~him~~ the displaced person for not less than ~~one~~ 2578
~~hundred-eighty~~ ninety days prior to the initiation of negotiations 2579
for the acquisition of the property. Such additional payment shall 2580
include the following elements: 2581

(1) The amount, if any, which when added to the acquisition 2582
cost of the dwelling acquired by the displacing agency, equals the 2583
reasonable cost of a comparable replacement dwelling. 2584

(2) The amount, if any, which will compensate the displaced 2585
person for any increased interest costs and other debt service 2586
costs which the person is required to pay for financing the 2587
acquisition of a comparable replacement dwelling. This amount 2588
shall be paid only if the dwelling acquired by the displacing 2589
agency was encumbered by a bona fide mortgage which was a valid 2590
lien on the dwelling for not less than ~~one hundred-eighty~~ ninety 2591

days prior to the initiation of negotiations for the acquisition 2592
of the dwelling. 2593

(3) Reasonable expenses incurred by the displaced person for 2594
evidence of title, recording fees, and other closing costs 2595
incident to the purchase of the replacement dwelling, but not 2596
including prepaid expenses. 2597

(4) A rental assistance payment for a displaced person who is 2598
eligible for a replacement housing payment under this section but 2599
who elects to rent a replacement dwelling. The amount of the 2600
rental assistance payment shall be based on a determination of 2601
market rent for the acquired dwelling compared to a comparable 2602
rental dwelling available on the market in the general area of the 2603
acquired dwelling. The difference, if any, shall be computed in 2604
accordance with division (A) of section 163.55 of the Revised 2605
Code, except the limit of seven thousand two hundred dollars shall 2606
not apply. Under no circumstances shall the rental assistance 2607
payment exceed the amount that the displaced person could have 2608
received under division (A)(1) of this section. A displaced person 2609
who is eligible to receive a replacement housing payment under 2610
this section is not eligible for a down payment assistance payment 2611
described in division (B) of section 163.55 of the Revised Code. 2612

(B) The additional payment authorized by this section shall 2613
be made only to a displaced person who purchases and occupies a 2614
replacement dwelling which is decent, safe, and sanitary not later 2615
than the end of the one-year period beginning on the date on which 2616
~~he~~ the displaced person receives from the displacing agency final 2617
payment of all costs of the acquired dwelling, or on the date on 2618
which the displacing agency's obligation under division (B)(3) of 2619
section 163.56 of the Revised Code is met, whichever is later, 2620
except that the displacing agency may extend the period for good 2621
cause. If the period is extended, the payment under this section 2622
shall be based on the costs of relocating the person to a 2623

comparable replacement dwelling within one year after the 2624
displaced person receives from the displacing agency final payment 2625
of all costs of the acquired dwelling. 2626

Sec. 163.55. (A) In addition to amounts otherwise authorized 2627
by sections 163.51 to 163.62 of the Revised Code, the head of a 2628
displacing agency shall make a payment to or for any displaced 2629
person displaced from any dwelling not eligible to receive a 2630
payment under section 163.54 of the Revised Code which dwelling 2631
was actually and lawfully occupied by such displaced person for 2632
not less than ninety days prior to the initiation of negotiations 2633
for acquisition of such dwelling, or in any case in which 2634
displacement is not a direct result of acquisition, not less than 2635
ninety days prior to such other event as the head of the lead 2636
agency shall prescribe. The payment shall consist of the amount 2637
necessary to enable the displaced person to lease or rent for a 2638
period not to exceed forty-two months, a comparable replacement 2639
dwelling, but not to exceed ~~five~~ seven thousand two hundred ~~fifty~~ 2640
dollars. At the discretion of the head of the displacing agency, a 2641
payment under this division may be made in periodic installments. 2642
Computation of a payment under this division to a low-income 2643
displaced person shall take into account the person's income. 2644

(B) Any person eligible for a payment under division (A) of 2645
this section may elect to apply the payment to a down payment on, 2646
and other incidental expenses pursuant to, the purchase of a 2647
decent, safe, and sanitary replacement dwelling. The person may, 2648
under criteria established by the head of the displacing agency, 2649
be eligible under this division for the maximum payment allowed 2650
under division (A) of this section, ~~except that, in the case of a~~ 2651
~~displaced home owner who has owned and occupied the displacement~~ 2652
~~dwelling for at least ninety days but not more than one hundred~~ 2653
~~eighty days immediately prior to the initiation of negotiations~~ 2654
~~for the acquisition of such dwelling, the payment shall not exceed~~ 2655

~~the payment the person would otherwise have received under section 2656
163.54 of the Revised Code had the person owned and occupied the 2657
displacement dwelling one hundred eighty days immediately prior to 2658
the initiation of the negotiations. 2659~~

Sec. 164.26. (A) The director of the Ohio public works 2660
commission shall establish policies related to the need for 2661
long-term ownership, or long-term control through a lease or the 2662
purchase of an easement, of real property that is the subject of 2663
an application for a grant under sections 164.20 to 164.27 of the 2664
Revised Code and establish requirements for documentation to be 2665
submitted by grant applicants that is necessary for the proper 2666
administration of this division. The policies shall provide for 2667
proper ~~penalties, including~~ liquidated damages and grant 2668
repayment, for entities that fail to comply with the long-term 2669
ownership or control requirements established under this division. 2670

The director also shall adopt policies delineating what 2671
constitutes administrative costs for purposes of division (F) of 2672
section 164.27 of the Revised Code. 2673

(B) The Ohio public works commission shall administer 2674
sections 164.20 to 164.27 of the Revised Code and shall exercise 2675
any authority and use any procedures granted or established under 2676
sections 164.02 and 164.05 of the Revised Code that are necessary 2677
for that purpose. 2678

Sec. 164.261. All of the following apply to any repayment of 2679
a grant awarded under sections 164.20 to 164.27 of the Revised 2680
Code: 2681

(A) The Ohio public works commission shall deposit the grant 2682
repayment into the clean Ohio conservation fund created in section 2683
164.27 of the Revised Code. 2684

(B) The commission shall return the grant repayment to the 2685

natural resource assistance council that approved the grant 2686
application. 2687

(C) The grant repayment shall be used for the same purpose as 2688
the grant was originally approved for, as provided in section 2689
164.22 of the Revised Code. 2690

Sec. 173.47. (A) For purposes of publishing the Ohio 2691
long-term care consumer guide, the department of aging shall 2692
conduct or provide for the conduct of an annual customer 2693
satisfaction survey of each long-term care facility. The results 2694
of the surveys may include information obtained from long-term 2695
care facility residents, their families, or both. A survey that is 2696
to include information obtained from nursing facility residents 2697
shall include the questions specified in divisions (C)(7)(a) and 2698
(b) ~~and (18) and (D)(7)(a) and (b)~~ of section 5165.25 of the 2699
Revised Code. A survey that is to include information obtained 2700
from the families of nursing facility residents shall include the 2701
questions specified in divisions (C)(8)(a) and (b) ~~and (19) and~~ 2702
~~(D)(8)(a) and (b)~~ of section 5165.25 of the Revised Code. 2703

(B) Each long-term care facility shall cooperate in the 2704
conduct of its annual customer satisfaction survey. 2705

Sec. 175.04. (A) The governor shall appoint a chairperson 2706
from among the members. The agency members shall elect a member as 2707
vice-chairperson. The agency members may appoint other officers, 2708
who need not be members of the agency, as the agency deems 2709
necessary. 2710

(B) Six members of the agency constitute a quorum and the 2711
affirmative vote of six members is necessary for any action the 2712
agency takes. No vacancy in agency membership impairs the right of 2713
a quorum to exercise all of the agency's rights and perform all 2714
the agency's duties. Agency meetings may be held at any place 2715

within the state. Meetings shall comply with section 121.22 of the Revised Code.

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

(D) The agency shall develop policies and guidelines for the administration of its programs and annually shall conduct at least one public hearing to obtain input from any interested party regarding the administration of its programs. The hearing shall be held at a time and place as the agency determines and when a quorum of the agency is present.

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

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

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

Each agency program that allows for loans to be made to 2747
finance housing for owner occupancy that benefits other than low- 2748
and moderate-income households, or for loans to be made to 2749
individuals under bonds issued pursuant to division (B) of section 2750
175.08 of the Revised Code, shall be presented to the advisory 2751
board and included in the annual plan as approved by the agency 2752
before the program's implementation. 2753

(F) The agency shall prepare an annual financial report 2754
describing its activities during the reporting year and submit 2755
that report in accordance with division (H) of this section and 2756
to the governor, the speaker of the house of representatives, and the 2757
president of the senate within three months after the end of the 2758
reporting year. The report shall include the agency's audited 2759
financial statements, prepared in accordance with generally 2760
accepted accounting principles and appropriate accounting 2761
standards. 2762

(G) The agency shall prepare an annual report of its programs 2763
describing how the programs have met this state's housing needs. 2764
The agency shall submit the report in accordance with division (H) 2765
of this section and to the governor, the speaker of the house of 2766
representatives, and the president of the senate within three 2767
months after the end of the reporting year. 2768

(H)(1) The agency shall submit, within a time frame agreed to 2769
by the agency and the chairs, the annual financial report 2770
described in division (F) of this section and the annual report of 2771
programs described in division (G) of this section to the chairs 2772
of the committees dealing with housing issues in the house of 2773
representatives and the senate. 2774

(2) Within forty-five days of issuance of the annual 2775
financial report, the agency's executive director shall request to 2776
appear in person before the committees described in division 2777
(H)(1) of this section to testify in regard to the financial 2778

report and the report of programs. The testimony shall include 2779
each of the following: 2780

(a) An overview of the annual plan adopted pursuant to 2781
division (E)(1) of this section; 2782

(b) An evaluation of whether the objectives in the annual 2783
plan were met through a comparison of the annual plan with the 2784
annual financial report and report of programs; 2785

(c) A complete listing by award and amount of all business 2786
and contractual relationships in excess of one hundred thousand 2787
dollars between the agency and other entities and organizations 2788
that participated in agency programs during the fiscal year 2789
reported by the agency's annual financial report and report of 2790
programs; 2791

(d) A complete listing by award and amount of the low-income 2792
housing tax credit syndication and direct investor entities for 2793
projects that received tax credit reservations and IRS Form 8609 2794
during the fiscal year. 2795

Sec. 175.05. (A) The Ohio housing finance agency shall do all 2796
of the following related to the agency's operation: 2797

(1) Adopt bylaws for the conduct of its business; 2798

(2) Employ and fix the compensation of ~~an~~ the executive 2799
director who serves at the pleasure of the agency to administer 2800
the agency's programs and activities. The executive director may 2801
employ and fix the compensation of employees in the unclassified 2802
civil service as necessary to carry out this chapter and may 2803
employ other personnel who are governed by collective bargaining 2804
law and classified under that law. The executive director shall 2805
~~file financial disclosure statements~~ carry out all duties as 2806
described in section ~~102.02~~ 175.053 of the Revised Code. 2807

(3) Establish an operating budget for the agency and 2808

administer funds appropriated for the agency's use; 2809

(4) Notwithstanding any other provision of the Revised Code, 2810
hold all moneys, funds, properties, and assets the agency acquires 2811
or that are directly or indirectly within the agency's control, 2812
including proceeds from the sale of bonds, revenues, and 2813
otherwise, in trust for the purpose of exercising its powers and 2814
carrying out its duties pursuant to this chapter. Notwithstanding 2815
any other provision of the Revised Code other than section 175.051 2816
of the Revised Code, at no time shall the agency's moneys, funds, 2817
properties, or assets be considered public moneys, public funds, 2818
public properties, or public assets or subject to Chapters 131. 2819
and 135. of the Revised Code. 2820

(5) Maintain a principal office and other offices within the 2821
state. 2822

(B) The Ohio housing finance agency may do any of the 2823
following related to the agency's operation: 2824

(1) Except as otherwise provided in section 174.04 of the 2825
Revised Code, determine income limits for low- and moderate-income 2826
persons and establish periodic reviews of income limits. In 2827
determining income limits, the agency shall take into 2828
consideration the amount of income available for housing, family 2829
size, the cost and condition of available housing, ability to pay 2830
the amounts the private market charges for decent, safe, and 2831
sanitary housing without federal subsidy or state assistance, and 2832
the income eligibility standards of federal programs. Income 2833
limits may vary from area to area within the state. 2834

(2) Provide technical information, advice, and assistance 2835
related to obtaining federal and state aid to assist in the 2836
planning, construction, rehabilitation, refinancing, and operation 2837
of housing; 2838

(3) Provide information, assistance, or instruction 2839

concerning agency programs, eligibility requirements, application 2840
procedures, and other related matters; 2841

(4) Procure or require the procurement of insurance and pay 2842
the premium against loss in connection with the agency's 2843
operations, to include the repayment of a loan, in amounts and 2844
from insurers, including the federal government, as the agency 2845
determines; 2846

(5) Contract with, retain, or designate financial 2847
consultants, accountants, and other consultants and independent 2848
contractors, other than attorneys, whom the agency determines are 2849
necessary or appropriate; 2850

(6) Charge, alter, and collect interest and other charges for 2851
program services including, but not limited to, the allocation of 2852
loan funds, the purchase of mortgage loans, and the provision of 2853
services that include processing, inspecting, and monitoring of 2854
housing units financed and the financial records for those units; 2855

(7) Conduct or authorize studies and analyses of housing 2856
needs and conditions to the extent that those activities are not 2857
carried out by other agencies in a manner that is satisfactory for 2858
the agency's needs; 2859

(8)(a) Acquire by gift, purchase, foreclosure, investment, or 2860
other means, and hold, assign, pledge, lease, transfer, or 2861
otherwise dispose of real and personal property or any interest in 2862
that property in the exercise of its powers and the performance of 2863
its duties; 2864

(b) Any instrument by which real property is acquired 2865
pursuant to this section shall identify the state agency that has 2866
the use and benefit of the real property as specified in section 2867
5301.012 of the Revised Code. 2868

(9)(a) Borrow money, receive gifts, grants, loans, or other 2869
assistance from any federal, state, local, or other government 2870

source, including the housing development fund and the housing trust fund, and enter into contracts in connection with those sources of assistance;

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

(10) Sue and be sued in its own name with respect to its contracts, obligations, and covenants, or the enforcement of this chapter. Any actions against the agency shall be brought in a court of competent jurisdiction located in Franklin county, Ohio.

(11) Enter into any contract, commitment, or agreement and execute any instrument necessary or incidental to the performance of duties and the execution of powers;

(12) Adopt an official seal;

(13)(a) Contract with any private or government entity to administer programs for which the agency receives sufficient revenues for its services or the agency supports with uncommitted agency resources that pay the agency's operating costs;

(b) Administer state and federal programs for which the governor designates the agency to act as administrator. The agency may charge administrative fees to the state, the federal government, or a program recipient.

(14) Notwithstanding any other provision of the Revised Code, establish, maintain, administer, and close funds and accounts as convenient or appropriate to the agency's operations;

(15) Establish a policy to permit the investment of agency funds in securities and obligations;

(16) Establish rules and procedures that the agency

determines are appropriate to appeal the agency's actions and 2901
decisions; 2902

(17) Serve housing needs in instances that the agency 2903
determines necessary as a public purpose; 2904

(18) Provide coverage for its employees under Chapters 145., 2905
4123., and 4141. of the Revised Code; 2906

(19) Adopt rules pursuant to Chapter 119. of the Revised 2907
Code; 2908

(20) Do anything necessary or appropriate to exercise the 2909
powers of this chapter and carry out the purposes of this chapter 2910
and Section 14, Article VIII and Section 16, Article VIII, Ohio 2911
Constitution. 2912

(C) The attorney general shall serve as the legal 2913
representative for the Ohio housing finance agency and may appoint 2914
special counsel for that purpose in accordance with section 109.07 2915
of the Revised Code. 2916

Sec. 175.053. The executive director employed by the agency 2917
pursuant to division (A)(2) of section 175.05 of the Revised Code 2918
shall do all of the following: 2919

(A) File financial disclosure statements as described in 2920
section 102.02 of the Revised Code; 2921

(B) Ensure policies and procedures are developed and 2922
maintained for the operation and administration of the agency's 2923
programs and activities that encourage competition and minimize 2924
concentration. Policies and procedures shall address all 2925
applicable requirements described in the Revised Code and federal 2926
regulations. 2927

(C) Provide an update, during the testimony described in 2928
division (H)(2) of section 175.04 of the Revised Code, on any 2929
audits performed during the fiscal year. 2930

Sec. 175.06. (A) The Ohio housing finance agency shall do all 2931
of the following related to carrying out its programs: 2932

(1) Upon the governor's designation, serve as the housing 2933
credit agency for the state and perform all responsibilities of a 2934
housing credit agency pursuant to Section 42 of the Internal 2935
Revenue Code and similar applicable laws; 2936

(2) Require that housing that benefits from the agency's 2937
assistance be available without discrimination in accordance with 2938
Chapter 4112. of the Revised Code and applicable provisions of 2939
federal law; 2940

(3) Demonstrate measurable and objective transparency; 2941

(4) Efficiently award funding to maximize affordable housing 2942
production using cost-effective strategies; 2943

(5) Encourage national equity investment in low-income 2944
housing tax credit projects; 2945

(6) Utilize resources to provide competitive homebuyer 2946
programs to serve low- and moderate-income persons. 2947

(B) The Ohio housing finance agency may do any of the 2948
following related to carrying out its programs: 2949

(1) Issue bonds, provide security for assets, make deposits, 2950
purchase or make loans, provide economic incentives for the 2951
development of housing, and provide financial assistance for 2952
emergency housing; 2953

(2) Serve as a public housing agency and contract with the 2954
United States department of housing and urban development to 2955
administer the department's rent subsidy program, housing subsidy 2956
program, and monitoring programs for low- and moderate-income 2957
persons. The agency shall ensure that any contract into which it 2958
enters provides for sufficient compensation to the agency for its 2959
services. 2960

(3) Develop and administer programs under which the agency	2961
uses moneys from the housing trust fund as allocated by the	2962
department of development to extend financial assistance pursuant	2963
to sections 174.01 to 174.07 of the Revised Code;	2964
(4) Make financial assistance available;	2965
(5) Guarantee and commit to guarantee the repayment of	2966
financing that a lending institution extends for housing,	2967
guaranteeing that debt with any of the agency's reserve funds not	2968
raised by taxation and not otherwise obligated for debt service,	2969
including the housing development fund established pursuant to	2970
section 175.11 of the Revised Code and any fund created under	2971
division (B)(14) of section 175.05 of the Revised Code;	2972
(6) Make, commit to make, and participate in making financial	2973
assistance, including federally insured mortgage loans, available	2974
to finance the construction and rehabilitation of housing or to	2975
refinance existing housing;	2976
(7) Invest in, purchase, and take from lenders the assignment	2977
of notes or other evidence of debt including federally insured	2978
mortgage loans, or participate with lenders in notes and loans for	2979
homeownership, development, or refinancing of housing;	2980
(8) Sell at public or private sale any mortgage or mortgage	2981
backed securities the agency holds;	2982
(9) Issue bonds to carry out the agency's purposes as set	2983
forth in this chapter;	2984
(10) Extend or otherwise make available housing assistance on	2985
terms the agency determines.	2986
(C) The Ohio housing finance agency may issue bonds and	2987
extend financial assistance from any fund the agency administers	2988
for the prompt replacement, repair, or refinancing of damaged	2989
housing if both of the following apply:	2990

(1) The governor declares that a state of emergency exists 2991
with respect to a county, region, or political subdivision of this 2992
state, or declares that a county, region, or political subdivision 2993
has experienced a disaster as defined in section 5502.21 of the 2994
Revised Code. 2995

(2) The agency determines that the emergency or disaster has 2996
substantially damaged or destroyed housing in the area of the 2997
emergency or disaster. 2998

(D) The agency shall establish guidelines for extending 2999
financial assistance for emergency housing. The guidelines shall 3000
include eligibility criteria for assistance and the terms and 3001
conditions under which the agency may extend financial assistance. 3002

Sec. 191.01. As used in this chapter: 3003

(A) "Administrative safeguards," "availability," 3004
"confidentiality," "integrity," "physical safeguards," and 3005
"technical safeguards" have the same meanings as in 45 C.F.R. 3006
164.304. 3007

(B) "Business associate," "covered entity," "health plan," 3008
"individually identifiable health information," and "protected 3009
health information" have the same meanings as in 45 C.F.R. 3010
160.103. 3011

(C) "Executive director of the office of health 3012
transformation" or "executive director" means the executive 3013
director of the office of health transformation or the chief 3014
administrative officer of a successor governmental entity 3015
responsible for health system oversight in this state. 3016

(D) "Government program providing public benefits" means any 3017
program administered by a state agency that has been identified, 3018
pursuant to section 191.02 of the Revised Code, by the executive 3019
director of the office of health transformation in consultation 3020

with the individuals specified in that section.	3021
(E) "Office of health transformation" means the office of health transformation created by executive order 2011-02K.	3022 3023
(F) "Operating protocol" means a protocol adopted by the executive director of the office of health transformation or the executive director's designee under division (D) of section 191.06 of the Revised Code.	3024 3025 3026 3027
(G) "Participating agency" means a state agency that participates in a health transformation initiative as specified in the one or more operating protocols adopted for the initiative under division (D) of section 191.06 of the Revised Code.	3028 3029 3030 3031
(H) "Personally identifiable information" means information that meets both of the following criteria:	3032 3033
(1) It identifies an individual or there is a reasonable basis to believe that it may be used to identify an individual;	3034 3035
(2) It relates to an individual's eligibility for, application for, or receipt of public benefits from a government program providing public benefits.	3036 3037 3038
(I) "State agency" means each of the following:	3039
(1) The department of administrative services;	3040
(2) The department of aging;	3041
(3) The development services agency;	3042
(4) The department of developmental disabilities;	3043
(5) The department of education;	3044
(6) The department of health;	3045
(7) The department of insurance;	3046
(8) The department of job and family services;	3047
(9) The department of medicaid;	3048

(10) The department of mental health and addiction services;	3049
(11) The department of rehabilitation and correction;	3050
(12) The department of taxation;	3051
(13) The department of veterans services;	3052
(14) The department of youth services;	3053
<u>(15) The opportunities for Ohioans with disabilities agency.</u>	3054
(J) "Unsecured" has the same meaning as in 16 C.F.R. 318.2.	3055
<u>Sec. 193.01. As used in this chapter:</u>	3056
<u>(A) "Allowable costs" means all or part of the costs of the</u>	3057
<u>following:</u>	3058
<u>(1) Eligible federal-military projects and project</u>	3059
<u>facilities;</u>	3060
<u>(2) Site clearance and preparation;</u>	3061
<u>(3) Supplementing and relocating public capital improvements</u>	3062
<u>or utility facilities;</u>	3063
<u>(4) Estimates of costs and expenses necessary or incident to</u>	3064
<u>determining the feasibility or practicability of assisting an</u>	3065
<u>eligible federal-military project;</u>	3066
<u>(5) Reimbursement of moneys advanced or applied by any</u>	3067
<u>government agency or other person for another allowable cost;</u>	3068
<u>(6) Such other expenses as may be necessary or incidental to</u>	3069
<u>the establishment or development of an eligible federal-military</u>	3070
<u>project.</u>	3071
<u>(B) "Eligible federal-military project" means project</u>	3072
<u>facilities to be acquired, established, constructed, expanded,</u>	3073
<u>remodeled, rehabilitated, or modernized for the improvement,</u>	3074
<u>expansion, and development of federal-military installations and</u>	3075
<u>associated public and private sector investment, the operation of</u>	3076

which, alone, or in conjunction with other investments, will 3077
create new jobs or preserve existing jobs and employment 3078
opportunities and improve the economic welfare of the people of 3079
the state. 3080

(C) "Financial assistance" means agreements, loan guarantees, 3081
and loans under section 193.05 of the Revised Code. 3082

(D) "Governmental action" means any action by a government 3083
agency relating to the establishment, development, or operation of 3084
an eligible federal-military project and project facilities that 3085
the government agency has authority to take or provide for the 3086
purpose under law. 3087

(E) "Government agency" means the following: 3088

(1) The state and any state department, division, commission, 3089
institution, or authority; 3090

(2) A state-wide elected official; 3091

(3) A municipal corporation, county, or township of the 3092
state, or any agency thereof; 3093

(4) Any other political subdivision or public corporation or 3094
the United States or any agency thereof; 3095

(5) Any agency, commission, or authority established pursuant 3096
to an interstate compact or agreement; 3097

(6) Any combination of divisions (E)(1) to (E)(5) of this 3098
section. 3099

(F) "Person" means any individual, firm, partnership, 3100
association, limited liability company, corporation, or government 3101
agency. 3102

(G) "Project facilities" means facilities and other 3103
improvements, and equipment and other property, excluding small 3104
tools, supplies, and inventory, and any one, part of, or 3105
combination of the above, comprising all or part of, or serving or 3106

being incidental to, an eligible federal-military project, 3107
including, but not limited to, public capital improvements. 3108

(H) "Property" means real and personal property and 3109
interests. 3110

(I) "Public capital improvements" means capital improvements 3111
or facilities that any government agency, or any entity that the 3112
agency hires, has authority to acquire, own, maintain, fund, or 3113
operate, including, but not limited to, highways, roads, streets, 3114
water and sewer facilities, railroad and other transportation 3115
facilities, and air and water pollution control and solid waste 3116
disposal facilities. 3117

(J) "Regional economic development entity" means an entity 3118
that is under contract with the federal-military jobs commission 3119
to administer financial assistance under this chapter in a 3120
particular area of this state, or the government agency designated 3121
by the federal-military jobs commission to administer financial 3122
assistance on its behalf under this chapter. 3123

Sec. 193.02. The general assembly finds that the presence and 3124
stability of federal-military installations within the state 3125
creates new jobs or preserves existing jobs and employment 3126
opportunities and improves the economic welfare of the people of 3127
the state and materially contributes to regional economic 3128
stability in the area of their locations. Therefore, it is 3129
declared to be the public policy of the state, through the 3130
operations of this chapter and other applicable laws adopted 3131
pursuant to Section 13 of Article VIII, Ohio Constitution, and 3132
other authority vested in the general assembly, to assist in and 3133
facilitate the establishment or development of eligible 3134
federal-military projects and assist and cooperate with any 3135
government agency in achieving such purpose. 3136

Sec. 193.03. There is hereby created the federal-military jobs program to be administered by the federal-military commission established in section 193.04 of the Revised Code. The program shall enhance, foster, and aid job creation and job preservation in connection with eligible federal-military projects in accordance with this chapter. Such assistance would be available to any person. 3137
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Sec. 193.04. (A) There is hereby created the federal-military jobs commission to develop and maintain an ongoing strategy for retention and growth of federal-military jobs and associated private sector jobs in the state. The commission shall establish criteria for and make available financial assistance for eligible federal-military projects and take such other actions as necessary to implement the federal-military jobs program established in section 193.03 of the Revised Code. 3144
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(B) The commission shall consist of the following members: 3152

(1) Three members appointed by the president of the senate, one of which is recommended by the minority leader of the senate; 3153
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(2) Three members appointed by the speaker of the house of representatives, one of which is recommended by the minority leader of the house of representatives; 3155
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(3) Three members appointed by the governor. 3158

(C)(1) Initial appointments to the commission shall be made not later than December 31, 2014. Of the initial appointees made by the governor, one shall serve an initial term of one year, one shall serve an initial term of two years, and one shall serve an initial term of three years. Thereafter, each member appointed by the governor shall serve a three-year term. The members appointed by the speaker and president shall serve four-year terms or until they are no longer members of the general assembly. 3159
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(2) Appointments made by the governor shall require 3167
confirmation of the senate. Members may be reappointed to the 3168
commission. Vacancies on the commission shall be filled in the 3169
same manner as the original appointments. 3170

(3) Members serve at the pleasure of, and may be removed for 3171
just cause by, the member's appointing authority. 3172

(D) The first person appointed by the president of the senate 3173
shall schedule the first meeting of the commission. At the first 3174
meeting, the commission shall select a chairperson from among its 3175
members. After the first meeting, the commission shall meet at 3176
least once during each quarter at the call of the chairperson or 3177
upon the request of a majority of the commission's members. A 3178
majority of the commission constitutes a quorum, and no action 3179
shall be taken without the concurrence of a majority of the 3180
members. 3181

(E) The treasurer of state shall provide administrative 3182
assistance to the commission, including office space and 3183
facilities for the commission. 3184

(F) The commission shall administer any money that may be 3185
appropriated to it by the general assembly, and the treasurer of 3186
state may pay expenses related to the commission, which shall be 3187
reimbursed from the federal-military jobs fund. 3188

(G) The treasurer of state may adopt rules under Chapter 119. 3189
of the Revised Code to implement this chapter. 3190

(H) Commission members shall serve without compensation, but 3191
shall be reimbursed for actual and necessary expenses incurred in 3192
the performance of commission duties. 3193

(I) Members of the commission shall file financial disclosure 3194
statements described in division (B) of section 102.02 of the 3195
Revised Code. 3196

(J) The attorney general shall serve as the legal representative for the commission and may appoint special counsel as necessary for that purpose in accordance with section 109.07 of the Revised Code. 3197
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Sec. 193.05. (A) The federal-military jobs commission shall be responsible for the furtherance and implementation of federal-military installation jobs and investment programs under this chapter. The federal-military jobs commission may do any of the following: 3201
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(1) After consultation with appropriate government agencies: 3206

(a) Enter into agreements with government agencies and persons engaged in industry, commerce, distribution, or research to induce such persons to acquire, construct, reconstruct, rehabilitate, renovate, enlarge, improve, equip, or furnish, or otherwise develop, eligible federal-military projects; and 3207
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(b) Make provisions in the agreements for project facilities and governmental actions, as authorized by this chapter and other applicable laws, which shall be subject to any required actions by the general assembly or the controlling board and subject to applicable local government ordinances, resolutions, and regulations. 3212
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(2)(a) Make loans to persons or government agencies to pay the allowable costs of eligible federal-military projects, with such fees, charges, rates of interest, times of payment of interest and principal, and other terms, conditions, and provisions of, and security for, those loans as the commission determines to be appropriate and in furtherance of the purpose for which the loans are made; 3218
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(b) In conjunction with regional economic development entities, take actions necessary or appropriate to collect or 3225
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otherwise deal with any loan made under this section. 3227

(3) Provide for, in connection with the treasurer of state, 3228
guarantees of loans or enhancement of obligations made to persons 3229
for an eligible federal-military project, which such guarantees 3230
shall contain terms and conditions as specified by the commission 3231
for loans pursuant to division (A)(2) of this section; 3232

(4) Retain the services of, or employ, consultants, agents, 3233
and independent contractors as are necessary in the commission's 3234
judgment and fix the compensation for their services; 3235

(5) Receive and accept from any person grants, gifts, and 3236
contributions of money, property, labor, and other things of 3237
value, to be held, used, and applied only for the purpose for 3238
which such grants, gifts, and contributions are made, which, if 3239
applicable, shall be deposited into the federal-military jobs 3240
fund; 3241

(6) Enter into appropriate arrangements with any government 3242
agency, under which the government agency may take or provide for 3243
any governmental action; 3244

(7) Perform all other acts and enter into contracts and 3245
execute all instruments necessary or appropriate to carry out the 3246
provisions of this chapter; 3247

(8) Adopt internal rules and policies to implement any of the 3248
provisions of this chapter applicable to the commission. 3249

(B) The determinations by the commission that facilities 3250
constitute eligible federal-military projects, that facilities are 3251
project facilities, that costs of such facilities are allowable 3252
costs, and all other determinations that are made for or are 3253
relevant to an action taken or agreement entered into shall be 3254
conclusive for purposes of the validity and enforceability of 3255
rights of parties arising from actions taken and agreements 3256
entered into under this chapter. 3257

(C) Except as otherwise prescribed in this chapter, all 3258
expenses and obligations incurred by the commission in carrying 3259
out the commission's powers and in exercising the commission's 3260
duties under this chapter, shall be payable solely from, as 3261
appropriate, moneys in the federal-military jobs fund. This 3262
chapter does not authorize the commission to incur bonded 3263
indebtedness of the state or any political subdivision thereof, or 3264
to obligate or pledge moneys raised by taxation for the payment of 3265
any guarantees made pursuant to this chapter. 3266

(D) Any government agency may enter into an agreement with 3267
the commission, any other government agency, or a person to be 3268
assisted under this chapter, to take or provide for the purposes 3269
of this chapter any governmental action it is authorized to take 3270
or provide under this chapter. Any government agency may 3271
undertake, on behalf and at the request of the commission, any 3272
action which the commission is authorized to undertake pursuant to 3273
divisions (A)(1), (2), and (3) of this section. Government 3274
agencies of the state shall cooperate with and provide assistance 3275
to the commission and the controlling board in the exercise of 3276
their respective functions under this chapter. 3277

Sec. 193.07. (A)(1) There is hereby created in the state 3278
treasury the federal-military jobs fund. The fund shall consist of 3279
moneys appropriated to it by the general assembly, repayments of 3280
principal and interest on financial assistance made from the fund, 3281
and any grants or donations received from nonpublic entities. 3282

(2) Interest earned on the money in the federal-military jobs 3283
fund shall be credited to the fund. 3284

(B) Funds for financial assistance authorized by, or powers 3285
exercised by, the federal-military jobs commission, including 3286
incidental administrative costs and expenses, shall be made from 3287
the federal-military jobs fund. 3288

<u>Sec. 193.09. (A) Applications describing proposals for</u>	3289
<u>financial assistance under the federal-military jobs program shall</u>	3290
<u>be submitted to the federal-military jobs commission. The</u>	3291
<u>commission may designate regional economic development entities</u>	3292
<u>for technical or administrative assistance with the application</u>	3293
<u>process. The commission shall award financial assistance under the</u>	3294
<u>program in accordance with criteria developed by the commission.</u>	3295
<u>(B) Not later than January 31, 2015, the commission shall</u>	3296
<u>establish criteria for evaluating proposals and awarding financial</u>	3297
<u>assistance for eligible federal-military projects. The criteria</u>	3298
<u>for evaluating proposals may include the following provisions:</u>	3299
<u>(1) The total number of jobs created or preserved;</u>	3300
<u>(2) The expected impact on employment in the surrounding</u>	3301
<u>region;</u>	3302
<u>(3) The expressed support from the applicable federal agency</u>	3303
<u>with respect to the eligible federal-military project;</u>	3304
<u>(4) The expected return on investment, based on the ratio of</u>	3305
<u>expected savings;</u>	3306
<u>(5) The number of participating entities in the proposal;</u>	3307
<u>(6) The probability of the proposal's success;</u>	3308
<u>(7) The percentage of local matching funds available;</u>	3309
<u>(8) The ability to replicate the proposal in other political</u>	3310
<u>subdivisions;</u>	3311
<u>(9) Whether the proposal is part of a larger consolidation</u>	3312
<u>effort by the applicant or applicants;</u>	3313
<u>(10) If applicable, the federal or military value of the</u>	3314
<u>proposal, which may provide in whole or in part, current and</u>	3315
<u>future mission capabilities and the impact on operational</u>	3316
<u>readiness;</u>	3317

(11) If applicable, whether the proposal provides the ability 3318
to accommodate contingency, mobilization, surge, and future total 3319
force increases; 3320

(12) If applicable, the operational value of the project for 3321
military purposes; 3322

(13) A recommendation from JobsOhio on return on investment 3323
for the state. 3324

Sec. 193.11. The federal-military jobs commission shall, in 3325
exercising its powers and duties, develop and implement plans for 3326
encouraging local support for the purposes of the federal-military 3327
jobs program under this chapter and for each eligible 3328
federal-military project for which it provides financial 3329
assistance. 3330

Sec. 193.13. Not later than the thirty-first day of January 3331
of each year, the federal-military jobs commission shall submit a 3332
report to the governor, the president and minority leader of the 3333
senate, and the speaker and minority leader of the house of 3334
representatives that outlines the commission's activities for the 3335
preceding year. The report shall include a listing of recipients 3336
of financial assistance, if any, the amount of such financial 3337
assistance, and any other information about the federal-military 3338
jobs program that the commission determines necessary to include 3339
in the report. 3340

Sec. 306.04. (A) Except as otherwise provided in division (B) 3341
of this section, employees of a county transit board or a board of 3342
county commissioners operating a transit system are employees of 3343
the county. If the system is operated by the board of county 3344
commissioners, the board shall appoint an executive director, who 3345
shall be in the unclassified service. 3346

(B) Any county transit board that established its own civil service organization and procedure prior to October 25, 1995, shall continue to operate under that organization. Appointments and promotions in that system shall be made, as far as practicable, by competitive examination.

A board that established its own civil service organization prior to October 25, 1995, shall establish by rule the seniority provisions relating to street railway and motor bus employees in effect at the time of the acquisition of the transit system by the county. The vacation, holiday, and sick leave privileges shall not be regulated by other provisions of law relating to public employees of the state or county, except that the transit board, its officers and employees, shall be subject to the public employees retirement system of the state and the transit board shall assume any pension obligations which have been assumed by any publicly owned transit system which the county may acquire.

(C) A county transit board or board of county commissioners operating a transit system may:

(1) Acquire in its name by gift, grant, purchase, or condemnation and hold and operate real estate and interests therein and personal property suitable for its purposes;

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

(3) Issue, with the approval of the county commissioners when 3379
the issuance is made by the transit board, revenue bonds of the 3380
county as provided in division (B) of section 306.09 of the 3381
Revised Code, to secure funds to accomplish its purposes. The 3382
principal of and interest on such bonds, together with all other 3383
payments required to be made by the trust agreement or indenture 3384
securing such bonds, shall be paid solely from revenues or other 3385
income accruing to the board from facilities of the county transit 3386
system designated in said agreement or indenture. 3387

(4) Enter into contracts in the exercise of the rights, 3388
powers, and duties conferred upon it, and execute all instruments 3389
necessary in the conduct of its business; 3390

(5) Fix, alter, and charge rates and other charges for the 3391
use of its real estate and interests therein, personal property, 3392
and combinations thereof; 3393

(6) Employ such financial consultants, accountants, 3394
appraisers, consulting engineers, architects, construction 3395
experts, attorneys-at-law, managers and other supervisory 3396
personnel, and other officers, employees, and agents as it 3397
determines necessary to conduct its business, and fix their 3398
compensation and duties; 3399

(7) Pledge, hypothecate, or otherwise encumber its revenues 3400
and other income as security for its obligations and enter into 3401
trust agreements or indentures for the benefit of revenue 3402
bondholders; 3403

(8) Borrow money or accept or contract to accept advances, 3404
loans, gifts, grants, devises, or bequests from and enter into 3405
contracts or agreements with any federal, state, or other 3406
governmental or private source and hold and apply advances, loans, 3407
gifts, grants, devises, or bequests according to the terms thereof 3408
including provisions which are required by such federal, state, or 3409

other governmental or private source to protect the interest of 3410
employees affected by such advances, loans, gifts, grants, 3411
devises, or bequests. Such advances, loans, gifts, grants, or 3412
devises may be subject to any reasonable reservation and any gift, 3413
grant, or devise or real estate may be in fee simple or any lesser 3414
estate. Any advances or loans received from any federal, state, or 3415
other governmental or private source may be repaid in accordance 3416
with the terms of such advance or loan. A loan accepted by a 3417
county transit board shall not, in any way, obligate the general 3418
fund of a county or a board of county commissioners. 3419

(9) Conduct investigations and surveys into the needs of the 3420
public within or without the county for transportation services to 3421
provide for the movement of persons within, into, or from the area 3422
serviced or to be serviced by the county transit system; 3423

(10) Enter into lawful arrangements with the appropriate 3424
federal or state department or agency, county, township, municipal 3425
corporation, or other political subdivision or public agency for 3426
the planning and installation of any public facilities which are 3427
determined necessary in the conduct of its business; 3428

(11) Purchase fire, extended coverage, and liability 3429
insurance for the real estate and interests therein, personal 3430
property and any combination thereof, used by or in connection 3431
with the county transit system and insurance covering the board 3432
and the county transit system and its officers and employees for 3433
liability for damage or injury to persons or property; 3434

(12) Procure and pay all or any part of the cost of group 3435
hospitalization, surgical, major medical, or sickness and accident 3436
insurance, or a combination thereof, for the officers and 3437
employees of the county transit system and their immediate 3438
dependents, issued by an insurance company, duly authorized to do 3439
business in this state; 3440

(13) Sell, lease, release, or otherwise dispose of real 3441
estate or interests therein or personal property owned by it and 3442
grant such easements across its real estate and interests therein 3443
as will not interfere with its use by the county transit system; 3444

(14) Establish rules for the use and operation of the county 3445
transit system including the real estate or interests therein, 3446
personal property or a combination of the foregoing used by or in 3447
connection with such system; 3448

(15) Exercise the power of eminent domain to appropriate any 3449
real estate or interests therein, personal property, franchises, 3450
or any combination thereof, within or without the county, 3451
necessary or proper in the exercise of its powers provided in 3452
sections 306.01 to 306.13 of the Revised Code, as provided in 3453
sections 163.01 to 163.22 of the Revised Code, and subject to 3454
divisions (15)(a), (b), and (c) of this section, provided that a 3455
county transit board or a board of county commissioners operating 3456
a transit system shall not proceed to so appropriate real property 3457
outside its territorial boundaries, until it has served at the 3458
office of the county commissioners of the county in which it is 3459
proposed to appropriate real property, a notice describing the 3460
real property to be taken and the purpose for which it is proposed 3461
to be taken, and such county commissioners have entered on their 3462
journal within thirty days after such service a resolution 3463
approving such appropriation. 3464

(a) Nothing contained in this division authorizes a county 3465
transit board or a board of county commissioners to appropriate 3466
any land, rights, rights-of-way, franchises, or easements 3467
belonging to the state or to a municipal corporation without the 3468
consent of the state or of the municipal corporation, and no 3469
county transit board or board of county commissioners shall 3470
exercise the right of eminent domain to acquire any certificate of 3471
public convenience and necessity, or any part thereof, issued to a 3472

for-hire motor carrier by the public utilities commission of Ohio 3473
or by the federal motor carrier safety administration of the 3474
United States, or to take or disturb other real estate or 3475
interests therein, personal property, or any combination thereof 3476
belonging to any municipal corporation without the consent of the 3477
legislative authority of such municipal corporation, or take or 3478
disturb real estate or interests therein, personal property, or 3479
any combination thereof belonging to any other political 3480
subdivision, public corporation, public utility, or common 3481
carrier, which is necessary and convenient in the operation of 3482
such political subdivision, public corporation, public utility, or 3483
common carrier unless provision is made for the restoration, 3484
relocation, or duplication of that taken or upon the election of 3485
such political subdivision, public corporation, public utility, or 3486
common carrier for the payment of compensation, if any, at the 3487
sole cost of the county transit system. 3488

(b) If any restoration or duplication proposed to be made 3489
under this division involves a relocation, the new location shall 3490
have at least comparable utilitarian value and effectiveness, and 3491
such relocation shall not impair the ability of the public utility 3492
or common carrier to compete in its original area of operation. 3493

(c) If such restoration or duplication proposed to be made 3494
under this division involves a relocation, the county transit 3495
board or board of county commissioners shall acquire no interest 3496
or right in or to the appropriated property or facility until the 3497
relocated property or facility is available for use and until 3498
marketable title thereto has been transferred to the political 3499
subdivision, public corporation, public utility, or common 3500
carrier. Nothing in this division shall require any board of 3501
county commissioners or county transit board operating a county 3502
transit system to so restore, relocate, or duplicate, if all of 3503
the real estate and interests therein, personal property, and any 3504

combination of the foregoing which is owned by a public utility or 3505
common carrier and used by it or in connection with the movement 3506
of persons, is acquired by exercise of the power of eminent 3507
domain. 3508

(16) When real property is acquired that is located outside 3509
the county and is removed from the tax duplicate, the county 3510
transit board or board of county commissioners operating a transit 3511
system shall pay annually to the county treasurer of the county in 3512
which that property is located, commencing with the first tax year 3513
in which that property is removed from the tax duplicate, an 3514
amount of money in lieu of taxes equal to the smaller of the 3515
following: 3516

(a) The last annual installment of taxes due from the 3517
acquired property before removal from the tax duplicate; 3518

(b) An amount equal to the difference between the combined 3519
revenue from real estate taxes of all the taxing districts in 3520
which the property is located in the tax year immediately prior to 3521
the removal of the acquired property from the tax duplicate, and 3522
either: 3523

(i) The total revenue which would be produced by the tax rate 3524
of each such taxing district in the tax year immediately prior to 3525
the removal of the acquired property from the tax duplicate, 3526
applied to the real estate tax duplicate of each of such taxing 3527
districts in each tax year subsequent to the year of removal; or 3528

(ii) The combined revenue from real estate taxes of all such 3529
taxing districts in each tax year subsequent to the year of 3530
removal, whichever is the greater. 3531

The county transit board or board of county commissioners may 3532
be exempted from such payment by agreement of the affected taxing 3533
district or districts in the county in which the property is 3534
located. 3535

The county auditor of the county in which that property is 3536
located shall apportion each such annual payment to each taxing 3537
district as if the annual payment had been levied and collected as 3538
a tax. 3539

Those annual payments shall never again be made after they 3540
have ceased. 3541

(17) Sue or be sued, plead or be impleaded, and be held 3542
liable in any court of proper jurisdiction for damages received by 3543
reason of negligence, in the same manner and to the same extent as 3544
if the county transit system were privately operated, provided, 3545
that no funds of a county other than those of the county transit 3546
board or, if the transit system is operated by the board of county 3547
commissioners, other than those in the account for the county 3548
transit system created under division (C) of section 306.01 of the 3549
Revised Code, shall be available for the satisfaction of judgments 3550
rendered against that system; 3551

(18) Annually prepare and make available for public 3552
inspection a report in condensed form showing the financial 3553
results of the operation of the county transit system. For systems 3554
operated by a county transit board, copies of this report shall be 3555
furnished to the county commissioners as well as a monthly summary 3556
statement of revenues and expenses for the preceding month 3557
sufficient to show the exact financial condition of the county 3558
transit system as of the last day of the preceding month. 3559

(19) With the approval of the county commissioners when the 3560
action is taken by the transit board, and without competitive 3561
bidding, sell, lease, or grant the right of use of all or a 3562
portion of the county transit system to any other political 3563
subdivision, taxing district, or other public body or agency 3564
having the power to operate a transit system; 3565

~~(20) Enter into and supervise franchise agreements for the 3566~~

~~operation of a county transit system;~~ 3567

~~(21) Accept the assignment of and then supervise an existing franchise agreement for the operation of a county transit system.~~ 3568
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(D)(1) As used in this division: 3570

(a) "Applicant" means any person who responds to a request for proposals and submits an application for a franchise to operate a public transit system or portion of a public transit system; 3571
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(b) "Application for certification" means the documents that are required to be filed by a franchisee to initiate the proceedings required for certification; 3575
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(c) "Application for a franchise" means the documents that are required to be filed in response to a request for proposals and that initiate the proceedings required for the award of a franchise; 3578
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(d) "Certification" means the order issued by a board of county commissioners, after submission of an application for certification, that approves the operation of a public transit system, or a portion of a public transit system, by a franchisee, subject to terms and conditions imposed by the board. 3582
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(e) "Franchise" means the document and all accompanying rights approved by the board of county commissioners that provides the franchisee with the exclusive right to establish a public transit system and, subject to certification, the right to operate a public transit system. A franchise may include the right of a franchisee to provide transportation services for a county department of job and family services. 3587
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(f) "Franchisee" means the individual, corporation, or other entity awarded a franchise. 3594
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(2) A board of county commissioners, on behalf of a county 3596

transit board, may award a franchise to an applicant subject to 3597
such terms and conditions as the board of county commissioners 3598
considers appropriate and consistent with applicable laws. 3599
Subsequent to awarding the franchise, the board of county 3600
commissioners may issue a certification and, until such issuance, 3601
the franchisee has no right to operate a public transit system or 3602
part of such a system. The board of county commissioners shall not 3603
delete, alter, or amend the terms and conditions of the 3604
certification after its issuance. The board shall include in the 3605
certification performance targets related to the operation of a 3606
public transit system by the franchisee, including cost savings to 3607
the county, gains in efficiency, the safety and security of the 3608
traveling public and franchise employees, service to the traveling 3609
public, return on any investments made by the county, and any 3610
other performance targets as determined by the board. All terms 3611
and conditions of the order of certification are terms and 3612
conditions of the franchise. Unless expressly exempted or granted 3613
a waiver in the certification, the franchisee shall comply with 3614
all applicable rules, regulations, orders, and ordinances. 3615

(3) The award of a franchise by a board of county 3616
commissioners to an applicant is the sole license and authority 3617
for the franchisee to establish a public transit system and, 3618
subject to certification, operate a public transit system. 3619

(4) A board of county commissioners shall award a franchise 3620
for a period of not less than ten years, as provided in the 3621
franchise. 3622

(5) A franchise shall not prohibit the franchisee from 3623
implementing new or improved services during the term of the 3624
franchise. 3625

(6) A franchisee shall coordinate its services, as specified 3626
in the franchise, with public transit providers to make effective 3627
transportation services available to the public and provide access 3628

to and from the public transit system. 3629

(7) A board of county commissioners shall provide terms and 3630
conditions in a franchise to ensure that the franchisee will 3631
continue operation of the public transit system for the duration 3632
of the term of the franchise or, if the franchise is revoked, 3633
suspended, or abandoned, that financial and other necessary 3634
resources are available to continue the operation of the system 3635
until another franchisee is selected or until the board of county 3636
commissioners determines to cease the transit operations governed 3637
by the franchise. The franchise shall specifically provide that 3638
the board shall have the right to terminate the franchise if the 3639
board determines that the franchisee has materially breached the 3640
franchise in any manner. The franchisee may appeal such a 3641
termination to the board, and, if the board upholds the 3642
termination, to the proper court of common pleas. 3643

Sec. 306.14. (A) If a board of county commissioners awards a 3644
franchise to a franchisee on behalf of a county transit board, the 3645
county transit board shall submit an annual written report to the 3646
board of county commissioners not later than a date designated by 3647
the board of county commissioners and in a form prescribed by that 3648
board. The board of county commissioners shall make the report 3649
available on the general web site of the county. The county 3650
transit board shall include in the report a description in detail 3651
of the effects the franchise agreement had during the prior year 3652
on all of the following as they relate to the operation of a 3653
public transit system by the franchisee in that county: 3654

(1) Cost savings to the county; 3655

(2) Efficiency; 3656

(3) Safety and security of the traveling public and franchise 3657
employees; 3658

(4) Service to the traveling public; 3659

(5) Return on investment by the county; 3660

(6) Any other aspects the board of county commissioners 3661
determines should be included in the report. 3662

(B) A franchisee that is awarded a franchise by a board of 3663
county commissioners on behalf of a county transit board shall 3664
submit an annual written report to the board of county 3665
commissioners or county transit board not later than a date 3666
designated by the board of county commissioners and in a form 3667
prescribed by that board. The board of county commissioners also 3668
shall direct the franchisee to submit the report to the board of 3669
county commissioners, the county transit board, or both. The board 3670
of county commissioners shall establish the issues to be addressed 3671
in the report with respect to the public transit system that the 3672
franchisee operated during the prior year. The board of county 3673
commissioners shall make the report available on the general web 3674
site of the county. 3675

(C) A board of county commissioners that awards a franchise 3676
to a franchisee on behalf of a county transit board shall conduct 3677
an annual review of the performance of the franchisee. The board 3678
of county commissioners shall include in the review a 3679
determination of the number of performance targets the franchisee 3680
met during the prior year and an evaluation of the franchisee's 3681
compliance with the other terms and conditions of the franchise, 3682
including any breaches of the franchise by the franchisee. The 3683
board shall issue a written report, and shall make the report 3684
available on the general web site of the county. 3685

Sec. 307.678. (A) As used in this section: 3686

(1) "Stadium" means an open-air structure designed and 3687
developed to provide a venue for public entertainment, cultural 3688

activities and recreation, or any combination thereof, including 3689
concerts, athletic and sporting events, and other events and 3690
exhibitions, together with concession, locker room, parking, 3691
restroom, and storage facilities, walkways, and other auxiliary 3692
facilities, whether included within or separate from the 3693
structure, and all real and personal property and interests 3694
therein related to the use of the structure for those purposes. 3695

(2) "Bureau" means a nonprofit corporation that is organized 3696
under the laws of this state that is, or has among its functions 3697
acting as, a convention and visitors' bureau, and that currently 3698
receives revenue from existing lodging taxes. 3699

(3) "Cooperating parties" means the parties to a cooperative 3700
agreement. 3701

(4) "Cooperative agreement" means an agreement entered into 3702
pursuant to division (B) of this section. 3703

(5) "Corporation" means a nonprofit corporation that is 3704
organized under the laws of this state and has corporate authority 3705
under its organizational instruments to acquire, construct, 3706
reconstruct, equip, finance, furnish, otherwise improve, own, 3707
lease, or operate a stadium. 3708

(6) "Debt charges" has the same meaning as in section 133.01 3709
of the Revised Code, except that "obligations" shall be 3710
substituted for "securities" wherever "securities" appears in that 3711
section. 3712

(7) "Eligible county" means a county having a population of 3713
at least three hundred seventy-five thousand, but not more than 3714
four hundred thousand, according to the most recent federal 3715
decennial census. 3716

(8) "Existing lodging taxes" means taxes levied by a board of 3717
county commissioners of an eligible county under division (A) of 3718
section 5739.09 of the Revised Code. 3719

(9) "Financing costs" means all costs and expenses relating 3720
to the authorization, including any required election, issuance, 3721
sale, delivery, authentication, deposit, custody, clearing, 3722
registration, transfer, exchange, fractionalization, replacement, 3723
payment, and servicing, of obligations, including, without 3724
limitation, costs and expenses for or relating to publication and 3725
printing, postage, delivery, preliminary and final official 3726
statements, offering circulars, and informational statements, 3727
travel and transportation, underwriters, placement agents, 3728
investment bankers, paying agents, registrars, authenticating 3729
agents, remarketing agents, custodians, clearing agencies or 3730
corporations, securities depositories, financial advisory 3731
services, certifications, audits, federal or state regulatory 3732
agencies, accounting and computation services, legal services and 3733
obtaining approving legal opinions and other legal opinions, 3734
credit ratings, redemption premiums, and credit enhancement 3735
facilities. Financing costs may be paid from any money available 3736
for the purpose, including, unless otherwise provided in the 3737
proceedings, from the proceeds of the obligations to which they 3738
relate and, as to future financing costs, from the same sources 3739
from which debt charges on the obligations are paid and as though 3740
debt charges. 3741

(10) "Host municipal corporation" means a municipal 3742
corporation, having a population of at least seventy thousand but 3743
not more than eighty thousand according to the most recent federal 3744
decennial census, within the boundaries of which a stadium is 3745
located. 3746

(11) "Host school district" means the school district within 3747
the boundaries of which a stadium is located. 3748

(12) "Issuer" means any issuer, as defined in section 133.01 3749
of the Revised Code, and any corporation. 3750

(13) "Obligations" means obligations that are issued or 3751

incurred by an issuer pursuant to Chapter 133. or 4582. of the 3752
Revised Code, or otherwise, for the purpose of funding or paying, 3753
or reimbursing persons for the funding or payment of, project 3754
costs, and that evidence the issuer's obligation to repay borrowed 3755
money, including interest thereon, or to pay other money 3756
obligations of the issuer at any future time, including, without 3757
limitation, bonds, notes, anticipatory securities as defined in 3758
section 133.01 of the Revised Code, certificates of indebtedness, 3759
commercial paper, or installment sale, lease, lease-purchase, or 3760
similar agreements. 3761

(14) "Port authority" means a port authority created under 3762
Chapter 4582. of the Revised Code. 3763

(15) "Project" means acquiring, constructing, reconstructing, 3764
rehabilitating, remodeling, renovating, enlarging, equipping, 3765
furnishing, or otherwise improving a stadium or any component or 3766
element thereof. 3767

(16) "Project cost" means the cost of acquiring, 3768
constructing, reconstructing, rehabilitating, remodeling, 3769
renovating, enlarging, equipping, financing, refinancing, 3770
furnishing, or otherwise improving a project, including, without 3771
limitation, financing costs; the cost of architectural, 3772
engineering, and other professional services, designs, plans, 3773
specifications, surveys, and estimates of costs; financing or 3774
refinancing obligations issued by, or reimbursing money advanced 3775
by, any cooperating party or any other person, where the proceeds 3776
of the obligations or money advanced was used to pay any other 3777
cost described in this division; inspections and testing; any 3778
indemnity or surety bond or premium related to insurance 3779
pertaining to development of the project; all related direct and 3780
indirect administrative costs; fees and expenses of trustees, 3781
escrow agents, depositories, and paying agents for any 3782
obligations; interest on obligations during the planning, design, 3783

and development of a project and for up to eighteen months 3784
thereafter; funding of reserves for the payment of debt charges on 3785
any obligations; and all other expenses necessary or incident to 3786
planning, or determining the feasibility or practicability of, a 3787
project, including, without limitation, advocating the enactment 3788
of legislation to facilitate the development and financing of a 3789
project. 3790

(B) On or before December 31, 2015, the board of county 3791
commissioners of an eligible county, a host municipal corporation, 3792
the board of education of a host school district, a port 3793
authority, a bureau, and a corporation, or any combination 3794
thereof, may enter into a cooperative agreement under which: 3795

(1) The board of county commissioners and the bureau agree to 3796
make available to a cooperating party or any other person proceeds 3797
of an existing lodging tax, not to exceed five hundred thousand 3798
dollars each year, to pay project costs or debt charges on 3799
obligations issued by a cooperating party to fund, finance, or 3800
refinance the payment of project costs; 3801

(2) The cooperating parties agree, subject to any conditions 3802
or limitations provided in the cooperative agreement, to each of 3803
the following: 3804

(a) The conveyance, grant, or transfer to a cooperating party 3805
or any other person of ownership of, property interests in, and 3806
rights to use a stadium, either as the stadium exists at the time 3807
of the agreement or as it may be improved by a project; 3808

(b) The respective responsibilities of each cooperating party 3809
for the management, operation, maintenance, repair, and 3810
replacement of a stadium, including any project undertaken with 3811
respect to the stadium, which may include authorization for a 3812
cooperating party to contract with any other person for any such 3813
purpose; 3814

(c) The respective responsibilities of each cooperating party for the development and financing of a project, including, without limitation, the cooperating party or parties that shall be responsible for contracting for the development of a project and administering contracts into which the party or parties enter into for that purpose; 3815
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(d) The respective responsibilities of each cooperating party to provide money, whether by issuing obligations or otherwise, for the funding, payment, financing, or refinancing, or reimbursement to a cooperating party or other person for the funding, payment, financing, or refinancing, of project costs; 3821
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(e) The respective responsibilities of each cooperating party, or any other person, to provide money or other security for the payment of debt charges on obligations. 3826
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(C) Any conveyance, grant, or transfer of ownership of, property interests in, or rights to use a stadium, and any contract for the development, management, operation, maintenance, repair, or replacement of a stadium, including any project undertaken with respect to an existing stadium, that is contemplated by a cooperative agreement may be made or entered into by a cooperating party, in such manner and upon such terms as the cooperating parties may agree, without any requirement of bidding and without regard to ownership of the stadium, notwithstanding any other provision of law that may otherwise apply. A project constitutes a "port authority facility" within the meaning of division (D) of section 4582.01 and division (E) of section 4582.21 of the Revised Code and shall be considered a permanent improvement for one purpose under Chapter 133. of the Revised Code. 3829
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(D) Notwithstanding any other provision of law, and after deducting the real and actual costs of administering an existing lodging tax and any portion of such tax required to be returned to 3844
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any municipal corporation or township as provided in division 3847
(A)(1) of section 5739.09 of the Revised Code, the board of county 3848
commissioners of an eligible county and a bureau may agree to make 3849
available, and a cooperating party or other person may use, 3850
proceeds of an existing lodging tax for the funding or payment of 3851
project costs, including, without limitation, the payment of debt 3852
charges on obligations. Either the board or the bureau, or both, 3853
may pledge proceeds of an existing lodging tax to the payment of 3854
debt charges on obligations. The total amount of existing lodging 3855
tax proceeds made available for such use or so pledged each year 3856
shall not exceed five hundred thousand dollars. The lien of any 3857
such pledge shall be effective against all persons when it is 3858
made, without the requirement for the filing of any notice, and 3859
any proceeds of an existing lodging tax so pledged and required to 3860
be used to pay debt charges on obligations shall be paid by the 3861
county or bureau at the times, in the amounts, and to such payee, 3862
including, without limitation, a corporate trustee or paying 3863
agent, required for such obligations. The board of county 3864
commissioners may amend any previously adopted resolution 3865
providing for the levy of an existing lodging tax to permit the 3866
use of the proceeds of the existing lodging tax as provided in 3867
this division. 3868

(E) A board of county commissioners shall not repeal, 3869
rescind, or reduce the levy of an existing lodging tax to the 3870
extent its proceeds are pledged to the payment of debt charges on 3871
obligations, and any such lodging tax shall not be subject to 3872
repeal, rescission, or reduction by initiative, referendum, or 3873
subsequent enactment of legislation by the general assembly, so 3874
long as there remain outstanding any obligations as to which the 3875
payment of debt charges is secured by a pledge of the existing 3876
lodging tax. 3877

(F) A pledge of the proceeds of an existing lodging tax under 3878

division (D) of this section shall not constitute indebtedness of 3879
the eligible county for the purposes of Chapter 133. of the 3880
Revised Code. 3881

(G) The authority provided by this section is supplemental 3882
to, and is not intended to limit in any way, any legal authority 3883
that a cooperating party may have under any other provision of 3884
law. 3885

Sec. 307.699. (A) As used in this section: 3886

(1) "Sports facility" has the same meaning as in section 3887
307.696 of the Revised Code. 3888

(2) "Residual cash" has the same meaning as in division 3889
(B)(5) of section 5709.081 of the Revised Code. 3890

(B) Any political subdivision or subdivisions or any 3891
corporation that owns a sports facility that is both constructed 3892
under section 307.696 of the Revised Code and includes property 3893
exempt from taxation under division (B) of section 5709.081 of the 3894
Revised Code, shall make an annual service payment in lieu of 3895
taxes on the exempt property for each tax year beginning with the 3896
first tax year in which the facility or part thereof is used by a 3897
major league professional athletic team for its home schedule. The 3898
amount of the service payment for a tax year shall be determined 3899
by the county auditor under division (D) of this section. 3900

(C) On or before the first day of September each year, the 3901
owner of property to which this section applies shall file both of 3902
the following with the county auditor: 3903

(1) A return in the same form as under section 5711.02 of the 3904
Revised Code listing all its exempt tangible personal property as 3905
of the first day of August of that year; 3906

(2) An audited financial statement certified by the owner and 3907
reflecting the actual receipts, revenue, expenses, expenditures, 3908

net income, and residual cash derived from the property during the 3909
most recently ended calendar year. 3910

For the purposes of this section, the county auditor shall 3911
determine the true value of the real and tangible personal 3912
property owned by the political subdivision or subdivisions or the 3913
corporation and included in the sports facility, including the 3914
taxable portion thereof, by capitalizing at an appropriate rate 3915
the net income of the owner derived from that property. The 3916
auditor shall use the net income as certified in the owner's 3917
financial statement, unless ~~he~~ the auditor determines that the 3918
amount so certified is inaccurate, in which event ~~he~~ the auditor 3919
shall determine the accurate amount of net income to be 3920
capitalized. The county auditor shall compute net income before 3921
debt service, and shall not include any revenue from county taxes 3922
as defined in division (A)(1) of section 307.696 of the Revised 3923
Code. The true value so determined shall be allocated between real 3924
and tangible personal property and assessed for the purposes of 3925
this section at the appropriate percentages provided by law for 3926
determining taxable values. 3927

Using information reported or determined under this division, 3928
the county auditor shall determine the amount of putative taxes 3929
for the property for that tax year. As used in this section, 3930
"putative taxes" means the greater of one million dollars or the 3931
amount of property taxes that would have been charged and payable 3932
if all the real and tangible personal property owned by the 3933
political subdivision or subdivisions or the corporation and 3934
included in the sports facility was subject to taxation. 3935

(D) On or before the date that is sixty days before the date 3936
that the first payment of real property taxes are due without 3937
penalty under Chapter 323. of the Revised Code each tax year, the 3938
county auditor shall determine the amount of service payments for 3939
that tax year for property to which this section applies in the 3940

following manner: 3941

(1) The county auditor shall deduct from the amount of 3942
putative taxes under division (C) of this section any taxes 3943
assessed against the taxable portion of the sports facility owned 3944
by any of the entities in division (B)(1) of section 5709.081 of 3945
the Revised Code, any amounts paid by a municipal corporation 3946
under section 5709.082 of the Revised Code as a result of the 3947
exempt property, and any amounts available in the construction 3948
payments account established under division (G)(1) of this section 3949
as are required to make the total deductions under this division 3950
equal to one million dollars. 3951

(2) The county auditor shall fix the amount of the service 3952
payments for a tax year at the amount of the putative taxes minus 3953
deductions under division (D)(1) of this section. However, any 3954
amount of service payments required because the putative taxes 3955
exceed one million dollars shall not exceed the amount of residual 3956
cash of the owner of the exempt property as reported in division 3957
(C) of this section that would otherwise accrue to the political 3958
subdivision or subdivisions pursuant to division (B)(5) of section 3959
5709.081 of the Revised Code if no service payments were imposed 3960
under this section. 3961

(3) If the exempt property is an improvement under division 3962
(C)(2) of section 5709.081 of the Revised Code, the county auditor 3963
shall determine the percentage which such improvement constitutes 3964
of the total sports facility and shall substitute for the 3965
one-million-dollar amount, wherever it appears in this section, an 3966
amount equal to such percentage multiplied by one million dollars. 3967
The percentage shall be determined by dividing the reproduction 3968
cost new of the improvement by the reproduction cost new of the 3969
total sports facility including the improvement, owned by any of 3970
the entities under division (B)(1) of section 5709.081 of the 3971
Revised Code. 3972

(E) On or before the date that is sixty days before the date 3973
that the first payment of real property taxes are due without 3974
penalty under Chapter 323. of the Revised Code each tax year, the 3975
county auditor shall certify and send notice by certified mail to 3976
the owner of the property of the amount and the calculation of the 3977
service payments charged that tax year, including the separate 3978
valuations determined for the real and tangible personal property, 3979
the capitalization rate used, the separate deductions allowed 3980
under division (D) of this section, and any claimed inaccuracies 3981
in net income determined under division (C) of this section. 3982

The service payments for a tax year shall be charged and 3983
collected in the same manner as real property taxes for that tax 3984
year. Revenue collected as service payments shall be distributed 3985
to the taxing districts that would have received property tax 3986
revenue from the exempt property if it was not exempt, for the tax 3987
year for which the payments are made, in the same proportions as 3988
property taxes are distributed. However, if the sum of the 3989
deductions allowed under division (D) of this section and the 3990
service payments exceeds one million dollars, any service payments 3991
in excess of one million dollars shall first be paid to the 3992
municipal corporation to reimburse it for the payments made under 3993
section 5709.082 of the Revised Code from the inception of such 3994
payments. Any such payments to the municipal corporation shall be 3995
deducted from the municipal payments account established under 3996
division (G)(2) of this section. 3997

(F) The owner of property exempt from taxation under section 3998
5709.081 of the Revised Code or persons and political subdivisions 3999
entitled to file complaints or counterclaims to complaints under 4000
section 5715.19 of the Revised Code may appeal the determination 4001
of the annual service payments required by this section to the 4002
board of revision in the county in which the exempt property is 4003
located within the time period for filing complaints under section 4004

5715.19 of the Revised Code. The appeal shall be taken by filing a 4005
complaint with that board which need not be on the form prescribed 4006
for other complaints filed under section 5715.19 of the Revised 4007
Code but which shall include an identification of the exempt 4008
property, a copy of the auditor's certification to the owner, a 4009
calculation of the service payments claimed to be correct and a 4010
statement of the errors in the auditor's determination. Upon 4011
receipt of such complaint, the board of revision shall notify the 4012
county auditor of the county in which the exempt property is 4013
located, who shall, within thirty days of such notice, certify to 4014
the board of revision a transcript of the record of the 4015
proceedings of the county auditor pertaining to the determination 4016
of the annual service payments. Any complaint filed under this 4017
section shall be regarded as a complaint for the purposes of 4018
divisions (B), (C), (E), (F), (G), and (H) of section 5715.19 of 4019
the Revised Code. The board of revision shall order the hearing of 4020
evidence and shall determine the amount of service payments due 4021
and payable pursuant to this section. 4022

(G) The county auditor of the county in which the exempt 4023
property is located shall establish the following two accounts: 4024

(1) A construction payments account to which shall be posted 4025
all payments made by a municipal corporation pursuant to section 4026
5709.082 of the Revised Code on account of such property derived 4027
from persons employed at the site of the sports facility in the 4028
construction of the facility. Deductions shall be made from such 4029
account as provided in division (D) of this section until the 4030
amounts so posted are exhausted. 4031

(2) A municipal payments reimbursement account to which shall 4032
be posted all payments made by a municipal corporation pursuant to 4033
section 5709.082 of the Revised Code on account of such property 4034
including those posted under division (G)(1) of this section. 4035
Deductions shall be made from the municipal payments reimbursement 4036

account for reimbursements to the municipal corporation made under 4037
division (E) of this section until the amounts posted are 4038
exhausted. 4039

Sec. 307.6910. (A) A new nonprofit corporation shall be 4040
organized under the laws of this state for the purpose of 4041
operating a veterans memorial and museum to be located within the 4042
city of Columbus at the site described in division (B) of this 4043
section. The veterans memorial and museum shall be designated in 4044
the articles of incorporation and state law as the "Ohio Veterans 4045
Memorial and Museum." 4046

(B) The site of the Ohio Veterans Memorial and Museum, shall 4047
be constructed on the following parcel of real property owned in 4048
fee simple by the board of county commissioners of Franklin 4049
county: 4050

That property located at 300 West Broad Street, Columbus, 4051
Ohio, generally lying north of Broad Street, south of the 4052
right-of-way line of Norfolk and Southern Railway, west of the 4053
Scioto River and its floodwall, and east of the east line of Belle 4054
Street if the same extended north of Broad Street to the railroad 4055
right-of-way. 4056

(C) The bylaws of the new nonprofit corporation shall provide 4057
for the board of directors to consist of fifteen members. The 4058
appointments to the board of directors shall be made in accordance 4059
with the articles of incorporation and bylaws of the nonprofit 4060
corporation. All appointments to the board of directors shall 4061
satisfy any qualifications set forth in the nonprofit 4062
corporation's bylaws. A majority of the members of the board of 4063
directors appointed by each appointing entity shall be veterans of 4064
the armed forces of the United States. The appointments shall be 4065
made as follows: 4066

(1) The board of county commissioners of Franklin county 4067

shall appoint five members. 4068

(2) The governor shall appoint three members. 4069

(3) The speaker of the house of representatives and the president of the senate each shall appoint one member. 4070
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(4) The articles of incorporation shall provide for the remaining appointments, not to exceed five, the majority of whom shall be veterans of the armed forces of the United States. 4072
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(D) All meetings and records of the new nonprofit corporation shall be conducted and maintained in accordance with the sunshine laws of this state, including, but not limited to, sections 121.22 and 149.43 of the Revised Code. 4075
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(E) The board of county commissioners of Franklin county may lease the site described in division (B) of this section together with any adjacent property, without engaging in competitive bidding, to an Ohio nonprofit corporation for the construction, development, and operation of the Ohio Veterans Memorial and Museum. A board of county commissioners may appropriate funds to either the nonprofit corporation established as provided in this section or the nonprofit corporation with which the county has leased the property for permanent improvements and operating expenses of the Ohio Veterans Memorial and Museum. 4079
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Sec. 307.863. (A) Notwithstanding section 307.86 of the Revised Code, a board of county commissioners that awards a franchise to a franchisee on behalf of a county transit board pursuant to section 306.04 of the Revised Code to operate a public transit system shall award the franchise through competitive bidding as prescribed in this section. The board shall solicit bids that are not sealed, and shall ensure that all bids the board receives are open for public inspection. The board shall consider all bids that are timely received. 4089
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(B) The fact that a bid proposes to be the most beneficial to the county monetarily in and of itself does not confer best bid status on that bid. 4098
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(C) In awarding a franchise to a bidder to operate a public transit system, the board may consider all of the following: 4101
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(1) The proposed monetary benefit to the county; 4103

(2) The bidder's ownership of, or access to, transportation facilities or transportation equipment such as vehicles, automated transit systems, or any other applicable equipment; 4104
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(3) The bidder's experience in operating public transit systems; 4107
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(4) If the bidder has experience in operating public transit systems, the record of the bidder in relation to all aspects of operating a public transit system, including cost savings to a political subdivision, gains in efficiency, the safety and security of the traveling public and employees, service to the traveling public, return on any investments made by a political subdivision, and any other aspects the board includes for consideration. 4109
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Sec. 307.982. (A) To the extent permitted by federal law, including subpart F of 5 C.F.R. part 900, and subject to any limitations established by the Revised Code, including division (B) of this section, a board of county commissioners may enter into a written contract with a private or government entity, including a public or private college or university, for the entity to perform a family services duty or workforce development activity on behalf of a county family services agency or workforce development agency. The entity with which a board contracts is not required to be located in the county the board serves. 4117
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A family services duty or workforce development activity 4127

includes transportation services provided by a county transit 4128
board. A board of county commissioners may delegate to a county 4129
transit board the authority to solicit bids and award and execute 4130
contracts for such transportation services on behalf of the board 4131
of county commissioners. 4132

(B) A board of county commissioners may not enter into a 4133
contract under division (A) of this section regarding a family 4134
services duty of a public children services agency if a county 4135
children services board appointed under section 5153.03 of the 4136
Revised Code serves as the public children services agency for the 4137
county. The county children services board may enter into 4138
contracts regarding its duties in accordance with division (C)(2) 4139
of section 5153.16 of the Revised Code. 4140

Sec. 340.02. (A) For each alcohol, drug addiction, and mental 4141
health service district, there shall be appointed a board of 4142
alcohol, drug addiction, and mental health services consisting of 4143
eighteen members or fourteen members. Should the board of alcohol, 4144
drug addiction, and mental health services elect to remain at 4145
eighteen members, as provided under section 340.02 of the Revised 4146
Code as it existed immediately prior to the date of this 4147
amendment, the board of alcohol, drug addiction, and mental health 4148
services and the board of county commissioners shall not be 4149
required to take any action. Should the board of alcohol, drug 4150
addiction, and mental health services elect a recommendation to 4151
become a fourteen-member board, that recommendation must be 4152
approved by the board of county commissioners of the county in 4153
which the alcohol, drug addiction, and mental health district is 4154
located in order for the transition to a fourteen-member board to 4155
occur. Not later than September 30, 2013, each board of alcohol, 4156
drug addiction, and mental health services wishing to become a 4157
fourteen-member board shall notify the board of county 4158
commissioners of that recommendation. Failure of the board of 4159

county commissioners to take action within thirty days after 4160
receipt of the recommendation shall be deemed agreement by the 4161
board of county commissioners to transition to a fourteen-member 4162
board of alcohol, drug addiction, and mental health services. 4163
Should the board of county commissioners reject the 4164
recommendation, the board of county commissioners shall adopt a 4165
resolution stating that rejection within thirty days after receipt 4166
of the recommendation. Upon adoption of the resolution, the board 4167
of county commissioners shall meet with the board of alcohol, drug 4168
addiction, and mental health services to discuss the matter. After 4169
the meeting, the board of county commissioners shall notify the 4170
department of mental health and addiction services of its election 4171
not later than January 1, 2014. In a joint-county district, a 4172
majority of the boards of county commissioners must not reject the 4173
recommendation of a joint-county board to become a fourteen-member 4174
board in order for the transition to a fourteen-member board to 4175
occur. Should the joint-county district have an even number of 4176
counties, and the boards of county commissioners of these counties 4177
tie in terms of whether or not to accept the recommendation of the 4178
alcohol, drug addiction, and mental health services board, the 4179
recommendation of the alcohol, drug addiction, and mental health 4180
service board to become a fourteen-member board shall prevail. The 4181
election shall be final. Failure to provide notice of its election 4182
to the department on or before January 1, 2014, shall constitute 4183
an election to continue to operate as an eighteen-member board, 4184
which election shall also be final. If an existing board provides 4185
timely notice of its election to transition to operate as a 4186
fourteen-member board, the number of board members may decline 4187
from eighteen to fourteen by attrition as current members' terms 4188
expire. However, the composition of the board must reflect the 4189
requirements set forth in this section for fourteen-member boards. 4190
For all boards, half of the members shall be interested in mental 4191
health services and half of the members shall be interested in 4192

alcohol, drug, or gambling addiction services. All members shall 4193
be residents of the service district. The membership shall, as 4194
nearly as possible, reflect the composition of the population of 4195
the service district as to race and sex. 4196

(B) For boards operating as eighteen-member boards, the 4197
director of mental health and addiction services shall appoint 4198
eight members of the board and the board of county commissioners 4199
shall appoint ten members. For boards operating as fourteen-member 4200
boards, the director of mental health and addiction services shall 4201
appoint six members of the board and the board of county 4202
commissioners shall appoint eight members. In a joint-county 4203
district, the county commissioners of each participating county 4204
shall appoint members in as nearly as possible the same proportion 4205
as that county's population bears to the total population of the 4206
district, except that at least one member shall be appointed from 4207
each participating county. 4208

(C) The director of mental health and addiction services 4209
shall ensure that at least one member of the board is a clinician 4210
with experience in the delivery of mental health services, at 4211
least one member of the board is a person who has received or is 4212
receiving mental health services ~~paid for by public funds~~, at 4213
least one member of the board is a parent or other relative of 4214
such a person, at least one member of the board is a clinician 4215
with experience in the delivery of addiction services, at least 4216
one member of the board is a person who has received or is 4217
receiving addiction services ~~paid for by public funds~~, and at 4218
least one member of the board is a parent or other relative of 4219
such a person. A single member who meets both qualifications may 4220
fulfill the requirement for a clinician with experience in the 4221
delivery of mental health services and a clinician with experience 4222
in the delivery of addiction services. 4223

(D) No member or employee of a board of alcohol, drug 4224

addiction, and mental health services shall serve as a member of 4225
the board of any provider with which the board of alcohol, drug 4226
addiction, and mental health services has entered into a contract 4227
for the provision of services or facilities. No member of a board 4228
of alcohol, drug addiction, and mental health services shall be an 4229
employee of any provider with which the board has entered into a 4230
contract for the provision of services or facilities. No person 4231
shall be an employee of a board and such a provider unless the 4232
board and provider both agree in writing. 4233

(E) No person shall serve as a member of the board of 4234
alcohol, drug addiction, and mental health services whose spouse, 4235
child, parent, brother, sister, grandchild, stepparent, stepchild, 4236
stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 4237
daughter-in-law, brother-in-law, or sister-in-law serves as a 4238
member of the board of any provider with which the board of 4239
alcohol, drug addiction, and mental health services has entered 4240
into a contract for the provision of services or facilities. No 4241
person shall serve as a member or employee of the board whose 4242
spouse, child, parent, brother, sister, stepparent, stepchild, 4243
stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 4244
daughter-in-law, brother-in-law, or sister-in-law serves as a 4245
county commissioner of a county or counties in the alcohol, drug 4246
addiction, and mental health service district. 4247

(F) Each year each board member shall attend at least one 4248
inservice training session provided or approved by the department 4249
of mental health and addiction services. 4250

(G) For boards operating as eighteen-member boards, each 4251
member shall be appointed for a term of four years, commencing the 4252
first day of July, except that one-third of initial appointments 4253
to a newly established board, and to the extent possible to 4254
expanded boards, shall be for terms of two years, one-third of 4255
initial appointments shall be for terms of three years, and 4256

one-third of initial appointments shall be for terms of four 4257
years. For boards operating as fourteen-member boards, each member 4258
shall be appointed for a term of four years, commencing the first 4259
day of July, except that four of the initial appointments to a 4260
newly established board, and to the extent possible to expanded 4261
boards, shall be for terms of two years, five initial appointments 4262
shall be for terms of three years, and five initial appointments 4263
shall be for terms of four years. No member shall serve more than 4264
two consecutive four-year terms under the same appointing 4265
authority. A member may serve for three consecutive terms under 4266
the same appointing authority only if one of the terms is for less 4267
than two years. A member who has served two consecutive four-year 4268
terms or three consecutive terms totaling less than ten years is 4269
eligible for reappointment by the same appointing authority one 4270
year following the end of the second or third term, respectively. 4271

When a vacancy occurs, appointment for the expired or 4272
unexpired term shall be made in the same manner as an original 4273
appointment. The appointing authority shall be notified by 4274
certified mail of any vacancy and shall fill the vacancy within 4275
sixty days following that notice. 4276

Any member of the board may be removed from office by the 4277
appointing authority for neglect of duty, misconduct, or 4278
malfeasance in office, and shall be removed by the appointing 4279
authority if the member is barred by this section from serving as 4280
a board member. The member shall be informed in writing of the 4281
charges and afforded an opportunity for a hearing. Upon the 4282
absence of a member within one year from either four board 4283
meetings or from two board meetings without prior notice, the 4284
board shall notify the appointing authority, which may vacate the 4285
appointment and appoint another person to complete the member's 4286
term. 4287

Members of the board shall serve without compensation, but 4288

shall be reimbursed for actual and necessary expenses incurred in 4289
the performance of their official duties, as defined by rules of 4290
the department of mental health and addiction services. 4291

Sec. 340.021. (A) In an alcohol, drug addiction, and mental 4292
health service district where the board of county commissioners 4293
has established an alcohol and drug addiction services board, the 4294
community mental health board established under former section 4295
340.02 of the Revised Code shall serve as the entity responsible 4296
for providing mental health services in the county. A community 4297
mental health board has all the powers, duties, and obligations of 4298
a board of alcohol, drug addiction, and mental health services 4299
with regard to mental health services. An alcohol and drug 4300
addiction services board has all the powers, duties, and 4301
obligations of a board of alcohol, drug addiction, and mental 4302
health services with regard to addiction services. Any provision 4303
of the Revised Code that refers to a board of alcohol, drug 4304
addiction, and mental health services with regard to mental health 4305
services also refers to a community mental health board and any 4306
provision that refers to a board of alcohol, drug addiction, and 4307
mental health services with regard to alcohol and drug addiction 4308
services also refers to an alcohol and drug addiction services 4309
board. 4310

An alcohol and drug addiction services board shall consist of 4311
eighteen members or fourteen members, at the election of the 4312
board. Not later than January 1, 2014, each alcohol and drug 4313
addiction services board shall notify the department of mental 4314
health and addiction services of its election to operate as an 4315
eighteen-member board or to operate as a fourteen-member board. 4316
The election shall be final. Failure to provide notice of its 4317
election to the department on or before January 1, 2014, shall 4318
constitute an election to continue to operate as an 4319
eighteen-member board. If an existing board provides timely notice 4320

of its election to operate as a fourteen-member board, the number 4321
of board members may decline from eighteen to fourteen by 4322
attrition as current members' terms expire. However, the 4323
composition of the board must reflect the requirements set forth 4324
in this section and in applicable provisions of section 340.02 of 4325
the Revised Code for fourteen-member boards. For boards operating 4326
as eighteen-member boards, six members shall be appointed by the 4327
director of mental health and addiction services and twelve 4328
members shall be appointed by the board of county commissioners. 4329
The director of mental health and addiction services shall ensure 4330
that at least one member of the board is a person who has received 4331
or is receiving services for alcohol, drug, or gambling addiction 4332
~~paid for with public funds~~, at least one member is a parent or 4333
relative of such a person, and at least one member is a clinician 4334
with experience in the delivery of addiction services. The 4335
membership of the board shall, as nearly as possible, reflect the 4336
composition of the population of the service district as to race 4337
and sex. Members shall be residents of the service district and 4338
shall be interested in alcohol, drug, or gambling addiction 4339
services. Requirements for membership, including prohibitions 4340
against certain family and business relationships, and terms of 4341
office shall be the same as those for members of boards of 4342
alcohol, drug addiction, and mental health services. 4343

A community mental health board shall consist of eighteen 4344
members or fourteen members, at the election of the board. Not 4345
later than January 1, 2014, each community mental health board 4346
shall notify the department of mental health and addiction 4347
services of its election to operate as an eighteen-member board or 4348
to operate as a fourteen-member board. The election shall be 4349
final. Failure to provide notice of its election to the department 4350
on or before January 1, 2014, shall constitute an election to 4351
continue to operate as an eighteen-member board. If an existing 4352
board provides timely notice of its election to operate as a 4353

fourteen-member board, the number of board members may decline 4354
from eighteen to fourteen by attrition as current members' terms 4355
expire. However, the composition of the board must reflect the 4356
requirements set forth in this section and in applicable 4357
provisions of section 340.02 of the Revised Code for 4358
fourteen-member boards. For boards operating as eighteen-member 4359
boards, six members shall be appointed by the director of mental 4360
health and addiction services and twelve members shall be 4361
appointed by the board of county commissioners. The director of 4362
mental health and addiction services shall ensure that at least 4363
one member of the board is a person who has received or is 4364
receiving mental health services ~~paid for with public funds~~, at 4365
least one member is a parent or relative of such a person, and at 4366
least one member is a clinician with experience in the delivery of 4367
mental health services. The membership of the board as nearly as 4368
possible shall reflect the composition of the population of the 4369
service district as to race and sex. Members shall be residents of 4370
the service district and shall be interested in mental health 4371
services. Requirements for membership, including prohibitions 4372
against certain family and business relationships, and terms of 4373
office shall be the same as those for members of boards of 4374
alcohol, drug addiction, and mental health services. 4375

(B)(1) If a board of county commissioners subject to division 4376
(A) of this section did not adopt a final resolution providing for 4377
a board of alcohol, drug addiction, and mental health services on 4378
or before July 1, 2007, the board of county commissioners may 4379
establish a board of alcohol, drug addiction, and mental health 4380
services on or after ~~the effective date of this amendment~~ 4381
September 23, 2008. To establish the board, the board of county 4382
commissioners shall adopt a resolution providing for the board's 4383
establishment. The composition of the board, the procedures for 4384
appointing members, and all other matters related to the board and 4385
its members are subject to section 340.02 of the Revised Code, 4386

with the following exceptions: 4387

(a) For initial appointments to the board, the county's 4388
community mental health board and alcohol and drug addiction 4389
services board shall jointly recommend members of those boards for 4390
reappointment and shall submit the recommendations to the board of 4391
county commissioners and the director of mental health and 4392
addiction services. 4393

(b) To the greatest extent possible, the appointing 4394
authorities shall appoint the initial members from among the 4395
members jointly recommended under division (B)(1)(a) of this 4396
section. 4397

(2) If a board of alcohol, drug addiction, and mental health 4398
services is established pursuant to division (B)(1) of this 4399
section, the board has the same rights, privileges, immunities, 4400
powers, and duties that were possessed by the county's community 4401
mental health board and alcohol and drug addiction services board. 4402
When the board is established, all property and obligations of the 4403
community mental health board and alcohol and drug addiction 4404
services board shall be transferred to the board of alcohol, drug 4405
addiction, and mental health services. 4406

Sec. 341.12. (A) In a county not having a sufficient jail or 4407
staff, subject to division (B) of this section, the sheriff shall 4408
convey any person charged with the commission of an offense, 4409
sentenced to imprisonment in the county jail, or in custody upon 4410
civil process to a jail in any county the sheriff considers most 4411
convenient and secure. As used in this paragraph, any county 4412
includes a contiguous county in an adjoining state. 4413

The sheriff may call such aid as is necessary in guarding, 4414
transporting, or returning such person. Whoever neglects or 4415
refuses to render such aid, when so called upon, shall forfeit and 4416
pay the sum of ten dollars, to be recovered by an action in the 4417

name and for the use of the county. 4418

Such sheriff and ~~his~~ the sheriff's assistants shall receive 4419
such compensation for their services as the county auditor of the 4420
county from which such person was removed considers reasonable. 4421
The compensation shall be paid from the county treasury on the 4422
warrant of the auditor. 4423

The receiving sheriff shall not, pursuant to this section, 4424
convey the person received to any county other than the one from 4425
which the person was removed. 4426

(B)(1) If Lawrence county does not have a sufficient jail in 4427
the county or staff, instead of conveying a person in a category 4428
described in division (A) of this section to a jail in any county 4429
pursuant to that division, the Lawrence county sheriff may convey 4430
the person to the river valley/Lawrence county facility in 4431
accordance with section 341.121 of the Revised Code. 4432

If a county other than Lawrence county does not have a 4433
sufficient jail or staff and has entered into an agreement with 4434
the Lawrence county sheriff as described in division (B)(1) of 4435
section 341.121 of the Revised Code, instead of conveying a person 4436
in a category described in division (A) of this section to a jail 4437
in any county pursuant to that division, the sheriff of the other 4438
county may convey the person to the river valley/Lawrence county 4439
facility in accordance with section 341.121 of the Revised Code. 4440

(2) As used in division (B)(1) of this section, "river 4441
valley/Lawrence county facility" has the same meaning as in 4442
section 341.121 of the Revised Code. 4443

Sec. 341.121. (A) As used in this section: 4444

(1) "Ohio river valley juvenile correctional facility" means 4445
the former Ohio river valley juvenile correctional facility in 4446
Franklin Furnace, Scioto county, that formerly was operated by the 4447

department of youth services. 4448

(2) "River valley/Lawrence county facility" means the portion 4449
of the Ohio river valley juvenile correctional facility that, 4450
pursuant to an agreement entered into as described in division 4451
(B)(1) of this section, the sheriff of Lawrence county is 4452
authorized to use as a jail for Lawrence county. 4453

(B) The board of county commissioners of Lawrence county, the 4454
director of youth services, the director of rehabilitation and 4455
correction, and the director of administrative services may enter 4456
into an agreement pursuant to which the sheriff of Lawrence county 4457
may use a specified portion of the Ohio river valley juvenile 4458
correctional facility as a jail for Lawrence county. The agreement 4459
shall not provide for transfer of ownership of any portion of the 4460
Ohio river valley juvenile correctional facility. If the board and 4461
the departments enter into an agreement of this nature, on and 4462
after the effective date of the agreement, all of the following 4463
apply: 4464

(1) The sheriff of Lawrence county may use the river 4465
valley/Lawrence county facility for the confinement of persons 4466
charged with the commission of an offense, sentenced to 4467
confinement for such an offense in a jail, or in custody upon 4468
civil process, if the offense occurred or the person was taken 4469
into custody under the civil process within Lawrence county or 4470
within another county that has entered into an agreement with the 4471
sheriff for the confinement of such persons in that facility; 4472

(2) The sheriff of Lawrence county shall not use the river 4473
valley/Lawrence county facility for the confinement of a juvenile 4474
who is alleged to be or is adjudicated a delinquent child or 4475
juvenile traffic offender; 4476

(3) The sheriff of Lawrence county shall not use the river 4477
valley/Lawrence county facility for any purpose listed in division 4478

(B)(1) of this section unless that facility satisfies the minimum standards for jails in Ohio promulgated pursuant to section 5120.10 of the Revised Code; 4479
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(4) If the sheriff of Lawrence county uses the river valley/Lawrence county facility for one or more of the purposes listed in division (B)(1) of this section, all of the following apply during that use of that facility and during the period covered by the agreement: 4482
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(a) The sheriff has charge of that facility and all persons confined in it, and shall keep those persons safely, attend to that facility, and regulate that facility according to the minimum standards for jails in Ohio promulgated pursuant to section 5120.10 of the Revised Code; 4487
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(b) The sheriff has all responsibilities and duties regarding the operation of that facility, including, but not limited to, safe and secure operation of and staffing for that facility, food services, medical services, and other programs, services, and treatment of persons confined in it, and conveyance to and from that facility of persons who are to be or who have been confined in it, in the same manner as if that facility was a Lawrence county jail; 4492
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(c) All provisions of Chapter 341. of the Revised Code, except for sections 341.13 to 341.18 of the Revised Code, apply with respect to that facility and to the sheriff in the same manner as if that facility was a Lawrence county jail, and sections 341.13 to 341.18 of the Revised Code apply with respect to that facility and the sheriff if that facility is used for confinement of persons from a county other than Lawrence county pursuant to an agreement as described in division (B)(1) of this section; 4500
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(d) Lawrence county has all responsibility for the costs of 4509

operation of that facility, and for all potential liability 4510
related to the use or operation of that facility and damages to 4511
it, in the same manner as if that facility was a Lawrence county 4512
jail; 4513

(e) The sheriff has all responsibility for investigating 4514
crimes and quelling disturbances that occur in that facility, and 4515
for assisting in the prosecution of such crimes, and the 4516
prosecuting attorney of Lawrence county and prosecutors of 4517
municipal corporations located in Lawrence county have 4518
responsibility for prosecution of such crimes, in the same manner 4519
as if that facility was a Lawrence county jail; 4520

(f) The sheriff's use of that facility shall be in accordance 4521
with the terms of the agreement, to the extent that the terms are 4522
not in conflict with divisions (B)(1), (2), (3), and (4)(a) to (f) 4523
of this section. 4524

(5) If the sheriff of Lawrence county uses the river 4525
valley/Lawrence county facility for one or more of the purposes 4526
listed in division (B)(1) of this section and subsequently ceases 4527
to use that facility for those purposes, the sheriff shall vacate 4528
the facility and control of the facility immediately shall revert 4529
to the state. 4530

Sec. 757.03. As used in sections 757.03 to 757.08 of the 4531
Revised Code, "area arts council" means an arts council or other 4532
organization the purpose of which is to foster and encourage the 4533
development of the arts, including but not limited to, literature, 4534
theater, music, the dance, painting, sculpture, photography, 4535
architecture, and motion pictures. 4536

In any city or county in which there is a symphony 4537
association, area arts council, art museum, or other similar 4538
organization, which is incorporated under sections 1702.01 to 4539
1702.58 of the Revised Code, without purpose of profit to any 4540

private member or individual, but organized for the purpose of the 4541
cultivation and performance of instrumental music, the promotion 4542
of the arts, or to maintain a symphony orchestra, the board of 4543
education of any school district in such city or the educational 4544
service center governing board serving such county, or both, may 4545
pay the symphony association, council, art museum, or other 4546
organization annually, in quarterly installments, in the case of a 4547
school district board of education, a sum of not to exceed one 4548
half of one cent on each one hundred dollars of the taxable 4549
property of the district and, in the case of an educational 4550
service center governing board, a sum of not to exceed one half of 4551
one cent on each one hundred dollars of the taxable property of 4552
the territory of the service center, as valued on the tax 4553
duplicate for the next year before the date of the payment. In 4554
order to qualify for such payments, the symphony association, arts 4555
council, art museum, or other organization shall, by proper 4556
resolution of its board of trustees or other governing body, 4557
accept all applicable provisions of sections 757.03 to 757.08 of 4558
the Revised Code, and file a certified copy of the resolution with 4559
the board of education of such district or with the governing 4560
board of such educational service center prior to the date of any 4561
payment. The first of such payments may be made in the year after 4562
the filing of such certified copy. 4563

Sec. 757.04. No symphony association, area arts council, art 4564
museum, or other similar organization may receive any of the 4565
payments provided for in section 757.03 of the Revised Code until 4566
the symphony association, council, art museum, or organization, by 4567
a proper resolution adopted by its board of trustees or other 4568
governing body, has tendered to the appropriate board of education 4569
or the educational service center governing board the following: 4570

(A) The right to nominate as trustees or as members of any 4571
other governing body of the symphony association, council, art 4572

museum, or organization three members consisting of the following: 4573

(1) One member of the board of education or the educational 4574
service center governing board; 4575

(2) Either the superintendent of schools of the school 4576
district or an educational service center, or an assistant 4577
superintendent of schools of the district or an educational 4578
service center; 4579

(3) One member of the music department of the schools 4580
maintained by the board of education, to be selected by the 4581
superintendent, all three of whom so nominated shall thereupon be 4582
elected as trustees or as members of any other governing body. 4583

(B) The right to nominate for membership on the executive 4584
committee of the symphony association, council, art museum, or 4585
organization one of the three trustees of the symphony 4586
association, council, art museum, or organization, representing 4587
the board of education or the educational service center governing 4588
board as the trustees pursuant to division (A) of this section, 4589
who shall thereupon be elected a member of the executive 4590
committee; 4591

(C) The right to require the orchestra maintained by the 4592
symphony association or any performing groups maintained by the 4593
council, art museum, or organization to provide such feasible 4594
performances for the public schools or for local school districts 4595
within the educational service center system maintained or 4596
supervised by the educational service center governing board, as 4597
in the joint judgment of the board of trustees of the symphony 4598
association, council, art museum, or organization, the 4599
superintendent, and the board of education of the school district 4600
or the educational service center governing board, will serve the 4601
largest interest of the school children of the school district or 4602
the area served by the educational service center. 4603

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

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

Sec. 757.06. No symphony association, area arts council, art museum, or other similar organization may receive any of the payments provided for in section 757.05 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 mayor, or to the legislative authority of the city if there is no mayor, or to the board of county commissioners, the following:

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

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

(C) The right to require the orchestra maintained by the symphony association or any performing groups maintained by the council or organization to provide such feasible popular performances at low cost, as in the joint judgment of the board of trustees of the symphony association, council, art museum, or organization, and the mayor or the legislative authority of the city if there is no mayor, or the board of county commissioners,

will serve the largest interests of the citizens of the city or 4667
county. 4668

A copy of the resolution, certified by the president and 4669
secretary of the symphony association, council, art museum, or 4670
organization, shall be filed in the office of the city controller 4671
of the city or the board of county commissioners of the county, as 4672
a condition precedent to the receipt by the association ~~or~~ 4673
society, council, art museum, or similar organization of any 4674
payments. 4675

Sec. 757.07. After any symphony association, area arts 4676
council, art museum, or other similar organization has once filed 4677
with the board of education, the city controller, or the board of 4678
county commissioners the resolutions provided for in sections 4679
757.03 to 757.06 of the Revised Code, it need not renew the same 4680
from year to year, but each original resolution continues in force 4681
for the purposes named until, by like resolution, likewise 4682
certified and filed, any original resolution is revoked or 4683
rescinded. 4684

Sec. 757.08. So long as any symphony association, area arts 4685
council, art museum, or other similar organization does all the 4686
things it agreed to do as considerations for the benefits to be 4687
received by it under sections 757.03 to 757.08 of the Revised 4688
Code, or is able, willing, and ready to perform the same, the 4689
appropriate board of education and the educational service center 4690
governing board and the city and county may continue to make the 4691
several payments as provided in such sections. 4692

Sec. 955.01. (A)(1) Except as otherwise provided in this 4693
section or in sections 955.011, 955.012, and 955.16 of the Revised 4694
Code, every person who owns, keeps, or harbors a dog more than 4695
three months of age shall file, on or after the first day of the 4696

applicable December, but before the thirty-first day of the 4697
applicable January, in the office of the county auditor of the 4698
county in which the dog is kept or harbored, an application for 4699
registration for a period of one year or three years or an 4700
application for a permanent registration. The board of county 4701
commissioners, by resolution, may extend the period for filing the 4702
application. The application shall state the age, sex, color, 4703
character of hair, whether short or long, and breed, if known, of 4704
the dog and the name and address of the owner of the dog. A 4705
registration fee of two dollars for each year of registration for 4706
a one-year or three-year registration or twenty dollars for a 4707
permanent registration for each dog shall accompany the 4708
application. However, the fee may exceed that amount if a greater 4709
fee has been established under division (A)(2) of this section or 4710
under section 955.14 of the Revised Code. 4711

(2) A board of county commissioners may establish a 4712
registration fee higher than the one provided for in division 4713
(A)(1) of this section for dogs more than nine months of age that 4714
have not been spayed or neutered, except that the higher 4715
registration fee permitted by this division shall not apply if a 4716
person registering a dog furnishes with the application either a 4717
certificate from a licensed veterinarian verifying that the dog 4718
should not be spayed or neutered because of its age or medical 4719
condition or because the dog is used or intended for use for show 4720
or breeding purposes or a certificate from the owner of the dog 4721
declaring that the owner holds a valid hunting license issued by 4722
the division of wildlife of the department of natural resources 4723
and that the dog is used or intended for use for hunting purposes. 4724
If the board establishes such a fee, the application for 4725
registration shall state whether the dog is spayed or neutered, 4726
and whether a licensed veterinarian has certified that the dog 4727
should not be spayed or neutered or the owner has stated that the 4728
dog is used or intended to be used for hunting purposes. The board 4729

may require a person who is registering a spayed or neutered dog 4730
to furnish with the application a certificate from a licensed 4731
veterinarian verifying that the dog is spayed or neutered. No 4732
person shall furnish a certificate under this division that the 4733
person knows to be false. 4734

(B) If the application for registration is not filed and the 4735
registration fee paid, on or before the thirty-first day of the 4736
applicable January of each year or, if the board of county 4737
commissioners by resolution has extended the date to a date later 4738
than the thirty-first day of January, the date established by the 4739
board, the auditor shall assess a penalty in an amount equal to 4740
the registration fee for one year upon the owner, keeper, or 4741
harborer, which shall be paid with the registration fee. 4742

(C) An animal shelter that keeps or harbors a dog more than 4743
three months of age is exempt from paying any fees imposed under 4744
division (A) or (B) of this section if it is a nonprofit 4745
organization that is exempt from federal income taxation under 4746
subsection 501(a) and described in subsection 501(c)(3) of the 4747
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1. 4748

Sec. 955.05. After the thirty-first day of January of any 4749
year, except as otherwise provided in section 955.012 or 955.16 of 4750
the Revised Code, every person, immediately upon becoming the 4751
owner, keeper, or harborer of any dog more than three months of 4752
age or brought from outside the state during any year, shall file 4753
like applications, with fees, as required by section 955.01 of the 4754
Revised Code, for registration for ~~the current year~~ a period of 4755
one year or three years or an application for permanent 4756
registration. If the application is not filed and the fee paid, 4757
within thirty days after the dog is acquired, becomes three months 4758
of age, or is brought from outside the state, the auditor shall 4759
assess a penalty in an amount equal to the registration fee for 4760

one year upon the owner, keeper, or harborer, which shall be paid 4761
with the registration fee. Thereafter, the owner, keeper, or 4762
harborer shall register the dog ~~for a period of one year or three~~ 4763
~~years or register the dog permanently~~ as provided in section 4764
955.01 of the Revised Code, as applicable. 4765

Every person becoming the owner of a kennel of dogs after the 4766
thirty-first day of January of any year shall file like 4767
applications, with fees, as required by section 955.04 of the 4768
Revised Code, for the registration of such kennel for the current 4769
calendar year. If such application is not filed and the fee paid 4770
within thirty days after the person becomes the owner of such 4771
kennel, the auditor shall assess a penalty in an amount equal to 4772
the registration fee upon the owner of such kennel. 4773

Sec. 1321.535. ~~(A)~~ Each applicant for a mortgage loan 4774
originator license shall submit to a written test that is 4775
developed and approved by the nationwide mortgage licensing system 4776
and registry and administered by a test provider approved by the 4777
nationwide mortgage licensing system and registry based upon 4778
reasonable standards. 4779

~~(1)~~(A) The test shall adequately measure the applicant's 4780
knowledge and comprehension in appropriate subject matters, 4781
including ethics and federal and state law related to mortgage 4782
origination, fraud, consumer protection, the nontraditional 4783
mortgage marketplace, and fair lending issues. 4784

~~(2)~~(B) An individual shall not be considered to have passed 4785
the test unless the individual ~~achieves a test score of~~ answers at 4786
least seventy-five per cent ~~correct answers on all of the~~ 4787
questions and ~~at least seventy five per cent correct answers on~~ 4788
~~all questions relating to Ohio mortgage lending laws and the Ohio~~ 4789
~~consumer sales practices act, Chapter 1345. of the Revised Code,~~ 4790
~~as it applies to registrants and licensees~~ correctly. 4791

~~(3)(C)~~ An individual may retake the test three consecutive times provided the period between taking the tests is at least thirty days. 4792
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~~(4)(D)~~ After failing three consecutive tests, an individual shall be required to wait at least six months before taking the test again. 4795
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~~(5)(E)~~ If a mortgage loan originator fails to maintain a valid license for a period of five years or longer, the individual shall be required to retake the test. For this purpose, any time during which the individual is a registered mortgage loan originator shall not be taken into account. 4798
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~~(B) Notwithstanding division (A) of this section, if the nationwide mortgage licensing system and registry fails to have in place a testing process that meets the criteria set forth in that division, the superintendent shall require, until that process is in place, evidence that the mortgage loan originator applicant passed a written test acceptable to the superintendent.~~ 4803
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Sec. 1321.55. (A) Every registrant shall keep records pertaining to loans made under sections 1321.51 to 1321.60 of the Revised Code. Such records shall be segregated from records pertaining to transactions that are not subject to these sections of the Revised Code. Every registrant shall preserve records pertaining to loans made under sections 1321.51 to 1321.60 of the Revised Code for at least two years after making the final entry on such records. Accounting systems maintained in whole or in part by mechanical or electronic data processing methods that provide information equivalent to that otherwise required are acceptable for this purpose. At least once each eighteen-month cycle, the division of financial institutions shall make or cause to be made an examination of records pertaining to loans made under sections 1321.51 to 1321.60 of the Revised Code, for the purpose of 4809
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determining whether the registrant is complying with these 4823
sections and of verifying the registrant's annual report. 4824

(B)(1) As required by the superintendent of financial 4825
institutions, each registrant shall file with the division each 4826
year a an annual report under oath or affirmation, on forms 4827
supplied by the division, concerning the business and operations 4828
for the preceding calendar year. Whenever a registrant operates 4829
two or more registered offices or whenever two or more affiliated 4830
registrants operate registered offices, then a composite report of 4831
the group of registered offices may be filed in lieu of individual 4832
reports. For purposes of compliance with this requirement, the 4833
superintendent may accept call reports or other reports of 4834
condition submitted to the nationwide mortgage licensing system 4835
and registry in lieu of the annual report. 4836

(2) The ~~division~~ superintendent shall publish annually an 4837
analysis of the information required under ~~division~~ divisions 4838
(B)(1) and (3) of this section, but the individual reports, 4839
whether filed with the superintendent or the nationwide mortgage 4840
licensing system and registry, shall not be public records and 4841
shall not be open to public inspection. 4842

(3) Each mortgage licensee shall submit to the nationwide 4843
mortgage licensing system and registry call reports or other 4844
reports of condition, which shall be in such form and shall 4845
contain such information as the nationwide mortgage licensing 4846
system and registry may require. 4847

(C)(1) The following information is confidential: 4848

(a) Examination information, and any information leading to 4849
or arising from an examination; 4850

(b) Investigation information, and any information arising 4851
from or leading to an investigation. 4852

(2) The information described in division (C)(1) of this 4853

section shall remain confidential for all purposes except when it 4854
is necessary for the superintendent to take official action 4855
regarding the affairs of a registrant or licensee, or in 4856
connection with criminal or civil proceedings to be initiated by a 4857
prosecuting attorney or the attorney general. This information may 4858
also be introduced into evidence or disclosed when and in the 4859
manner authorized by section 1181.25 of the Revised Code. 4860

(D) All application information, except social security 4861
numbers, employer identification numbers, financial account 4862
numbers, the identity of the institution where financial accounts 4863
are maintained, personal financial information, fingerprint cards 4864
and the information contained on such cards, and criminal 4865
background information, is a public record as defined in section 4866
149.43 of the Revised Code. 4867

(E) This section does not prevent the division of financial 4868
institutions from releasing to or exchanging with other financial 4869
institution regulatory authorities information relating to 4870
registrants and licensees. For this purpose, a "financial 4871
institution regulatory authority" includes a regulator of a 4872
business activity in which a registrant or licensee is engaged, or 4873
has applied to engage in, to the extent that the regulator has 4874
jurisdiction over a registrant or licensee engaged in that 4875
business activity. A registrant or licensee is engaged in a 4876
business activity, and a regulator of that business activity has 4877
jurisdiction over the registrant or licensee, whether the 4878
registrant or licensee conducts the activity directly or a 4879
subsidiary or affiliate of the registrant or licensee conducts the 4880
activity. 4881

(1) Any confidentiality or privilege arising under federal or 4882
state law with respect to any information or material provided to 4883
the nationwide mortgage licensing system and registry shall 4884
continue to apply to the information or material after the 4885

information or material has been provided to the nationwide 4886
mortgage licensing system and registry. The information and 4887
material so provided may be shared with all state and federal 4888
regulatory officials with mortgage industry oversight authority 4889
without the loss of confidentiality or privilege protections 4890
provided by federal law or the law of any state. Information or 4891
material described in division (E)(1) of this section to which 4892
confidentiality or privilege applies shall not be subject to any 4893
of the following: 4894

(a) Disclosure under any federal or state law governing 4895
disclosure to the public of information held by an officer or an 4896
agency of the federal government or of the respective state; 4897

(b) Subpoena or discovery, or admission into evidence, in any 4898
private civil action or administrative process, unless the person 4899
to whom such information or material pertains waives, in whole or 4900
in part and at the discretion of the person, any privilege held by 4901
the nationwide mortgage licensing system and registry with respect 4902
to that information or material. 4903

(2) The superintendent, in order to promote more effective 4904
regulation and reduce regulatory burden through supervisory 4905
information sharing, may enter into sharing arrangements with 4906
other governmental agencies, the conference of state bank 4907
supervisors, and the American association of residential mortgage 4908
regulators. 4909

(3) Any state law, including section 149.43 of the Revised 4910
Code, relating to the disclosure of confidential supervisory 4911
information or any information or material described in division 4912
(C)(1) or (E)(1) of this section that is inconsistent with this 4913
section shall be superseded by the requirements of this section. 4914

(F) This section shall not apply with respect to information 4915
or material relating to the employment history of, and publicly 4916

adjudicated disciplinary and enforcement actions against, mortgage 4917
loan originators that is included in the nationwide mortgage 4918
licensing system and registry for access by the public. 4919

(G) This section does not prevent the division from releasing 4920
information relating to registrants and licensees to the attorney 4921
general, to the superintendent of real estate and professional 4922
licensing for purposes relating to the administration of Chapters 4923
4735. and 4763. of the Revised Code, to the superintendent of 4924
insurance for purposes relating to the administration of Chapter 4925
3953. of the Revised Code, to the commissioner of securities for 4926
purposes relating to the administration of Chapter 1707. of the 4927
Revised Code, or to local law enforcement agencies and local 4928
prosecutors. Information the division releases pursuant to this 4929
section remains confidential. 4930

(H) The superintendent of financial institutions shall, by 4931
rule adopted in accordance with Chapter 119. of the Revised Code, 4932
establish a process by which mortgage loan originators may 4933
challenge information provided to the nationwide mortgage 4934
licensing system and registry by the superintendent. 4935

(I) No person, in connection with any examination or 4936
investigation conducted by the superintendent under sections 4937
1321.51 to 1321.60 of the Revised Code, shall knowingly do any of 4938
the following: 4939

(1) Circumvent, interfere with, obstruct, or fail to 4940
cooperate, including making a false or misleading statement, 4941
failing to produce records, or intimidating or suborning any 4942
witness; 4943

(2) Withhold, abstract, remove, mutilate, destroy, or secrete 4944
any books, records, computer records, or other information; 4945

(3) Tamper with, alter, or manufacture any evidence. 4946

Sec. 1322.03. (A) An application for a certificate of 4947
registration as a mortgage broker shall be in writing, under oath, 4948
and in the form prescribed by the superintendent of financial 4949
institutions. The application shall be accompanied by a 4950
nonrefundable application fee of five hundred dollars for each 4951
location of an office to be maintained by the applicant in 4952
accordance with division (A) of section 1322.02 of the Revised 4953
Code and any additional fee required by the nationwide mortgage 4954
licensing system and registry. The application shall provide all 4955
of the following: 4956

(1) The location or locations where the business is to be 4957
transacted and whether any location is a residence. If any 4958
location where the business is to be transacted is a residence, 4959
the superintendent may require that the application be accompanied 4960
by a copy of a zoning permit authorizing the use of the residence 4961
for commercial purposes, or by a written opinion or other document 4962
issued by the county or political subdivision where the residence 4963
is located certifying that the use of the residence to transact 4964
business as a mortgage broker is not prohibited by the county or 4965
political subdivision. 4966

(2)(a) In the case of a sole proprietor, the name and address 4967
of the sole proprietor; 4968

(b) In the case of a partnership, the name and address of 4969
each partner; 4970

(c) In the case of a corporation, the name and address of 4971
each shareholder owning five per cent or more of the corporation; 4972

(d) In the case of any other entity, the name and address of 4973
any person that owns five per cent or more of the entity that will 4974
transact business as a mortgage broker. 4975

(3) Each applicant shall designate an employee or owner of 4976

the applicant as the applicant's operations manager. While acting 4977
as the operations manager, the employee or owner shall be licensed 4978
as a loan originator under sections 1322.01 to 1322.12 of the 4979
Revised Code and shall not be employed by any other mortgage 4980
broker. 4981

(4) Evidence that the person designated on the application 4982
pursuant to division (A)(3) of this section possesses at least 4983
three years of experience in the residential mortgage and lending 4984
field, which experience may include employment with or as a 4985
mortgage broker or with a depository institution, mortgage lending 4986
institution, or other lending institution, or possesses at least 4987
three years of other experience related specifically to the 4988
business of residential mortgage loans that the superintendent 4989
determines meets the requirements of division (A)(4) of this 4990
section; 4991

(5) Evidence that the person designated on the application 4992
pursuant to division (A)(3) of this section has successfully 4993
completed the pre-licensing instruction requirements set forth in 4994
section 1322.031 of the Revised Code; 4995

(6) Evidence of compliance with the surety bond requirements 4996
of section 1322.05 of the Revised Code and with sections 1322.01 4997
to 1322.12 of the Revised Code; 4998

(7) In the case of a foreign business entity, evidence that 4999
it maintains a license or registration pursuant to Chapter 1703., 5000
1705., 1775., 1776., 1777., 1782., or 1783. of the Revised Code to 5001
transact business in this state; 5002

(8) Evidence that the applicant's operations manager has 5003
successfully completed the written test required ~~under division~~ 5004
~~(A) of~~ by section 1322.051 of the Revised Code; 5005

(9) Any further information that the superintendent requires. 5006

(B) Upon the filing of the application and payment of the 5007

nonrefundable application fee and any fee required by the 5008
nationwide mortgage licensing system and registry, the 5009
superintendent of financial institutions shall investigate the 5010
applicant, and any individual whose identity is required to be 5011
disclosed in the application, as set forth in division (B) of this 5012
section. 5013

(1)(a) Notwithstanding division (K) of section 121.08 of the 5014
Revised Code, the superintendent shall obtain a criminal history 5015
records check and, as part of that records check, request that 5016
criminal record information from the federal bureau of 5017
investigation be obtained. To fulfill this requirement, the 5018
superintendent shall do either of the following: 5019

(i) Request the superintendent of the bureau of criminal 5020
identification and investigation, or a vendor approved by the 5021
bureau, to conduct a criminal records check based on the 5022
applicant's fingerprints or, if the fingerprints are unreadable, 5023
based on the applicant's social security number, in accordance 5024
with division (A)(12) of section 109.572 of the Revised Code; 5025

(ii) Authorize the nationwide mortgage licensing system and 5026
registry to request a criminal history background check. 5027

(b) Any fee required under division (C)(3) of section 109.572 5028
of the Revised Code or by the nationwide mortgage licensing system 5029
and registry shall be paid by the applicant. 5030

(2) The superintendent shall conduct a civil records check. 5031

(3) If, in order to issue a certificate of registration to an 5032
applicant, additional investigation by the superintendent outside 5033
this state is necessary, the superintendent may require the 5034
applicant to advance sufficient funds to pay the actual expenses 5035
of the investigation, if it appears that these expenses will 5036
exceed five hundred dollars. The superintendent shall provide the 5037
applicant with an itemized statement of the actual expenses that 5038

the applicant is required to pay. 5039

(C) The superintendent shall pay all funds advanced and 5040
application and renewal fees and penalties the superintendent 5041
receives pursuant to this section and section 1322.04 of the 5042
Revised Code to the treasurer of state to the credit of the 5043
consumer finance fund created in section 1321.21 of the Revised 5044
Code. 5045

(D) If an application for a mortgage broker certificate of 5046
registration does not contain all of the information required 5047
under division (A) of this section, and if that information is not 5048
submitted to the superintendent or to the nationwide mortgage 5049
licensing system and registry within ninety days after the 5050
superintendent or the nationwide mortgage licensing system and 5051
registry requests the information in writing, including by 5052
electronic transmission or facsimile, the superintendent may 5053
consider the application withdrawn. 5054

(E) A mortgage broker certificate of registration and the 5055
authority granted under that certificate is not transferable or 5056
assignable and cannot be franchised by contract or any other 5057
means. 5058

(F) The registration requirements of this chapter apply to 5059
any person acting as a mortgage broker, and no person is exempt 5060
from the requirements of this chapter on the basis of prior work 5061
or employment as a mortgage broker. 5062

(G) The superintendent may establish relationships or enter 5063
into contracts with the nationwide mortgage licensing system and 5064
registry, or any entities designated by it, to collect and 5065
maintain records and process transaction fees or other fees 5066
related to mortgage broker certificates of registration or the 5067
persons associated with a mortgage broker. 5068

Sec. 1322.031. (A) An application for a license as a loan 5069
originator shall be in writing, under oath, and in the form 5070
prescribed by the superintendent of financial institutions. The 5071
application shall be accompanied by a nonrefundable application 5072
fee of one hundred fifty dollars and any additional fee required 5073
by the nationwide mortgage licensing system and registry. 5074

(B)(1) The application shall provide evidence, acceptable to 5075
the superintendent, that the applicant has successfully completed 5076
at least twenty-four hours of pre-licensing instruction consisting 5077
of all of the following: 5078

(a) Twenty hours of instruction in a course or program of 5079
study reviewed and approved by the nationwide mortgage licensing 5080
system and registry; 5081

(b) Four hours of instruction in a course or program of study 5082
reviewed and approved by the superintendent concerning state 5083
lending laws and the Ohio consumer sales practices act, Chapter 5084
1345. of the Revised Code, as it applies to registrants and 5085
licensees. 5086

(2) Notwithstanding division (B)(1) of this section, until 5087
the nationwide mortgage licensing system and registry implements a 5088
review and approval program, the application shall provide 5089
evidence, as determined by the superintendent, that the applicant 5090
has successfully completed at least twenty-four hours of 5091
instruction in a course or program of study approved by the 5092
superintendent that consists of at least all of the following: 5093

(a) Four hours of instruction concerning state and federal 5094
mortgage lending laws, which shall include no less than two hours 5095
on this chapter; 5096

(b) Four hours of instruction concerning the Ohio consumer 5097
sales practices act, Chapter 1345. of the Revised Code, as it 5098

applies to registrants and licensees;	5099
(c) Four hours of instruction concerning the loan application process;	5100 5101
(d) Two hours of instruction concerning the underwriting process;	5102 5103
(e) Two hours of instruction concerning the secondary market for mortgage loans;	5104 5105
(f) Four hours of instruction concerning the loan closing process;	5106 5107
(g) Two hours of instruction covering basic mortgage financing concepts and terms;	5108 5109
(h) Two hours of instruction concerning the ethical responsibilities of a registrant and a licensee, including with respect to confidentiality, consumer counseling, and the duties and standards of care created in section 1322.081 of the Revised Code.	5110 5111 5112 5113 5114
(3) For purposes of division (B)(1)(a) of this section, the review and approval of a course or program of study includes the review and approval of the provider of the course or program of study.	5115 5116 5117 5118
(4) If an applicant held a valid loan originator license issued by this state at any time during the immediately preceding five-year period, the applicant shall not be required to complete any additional pre-licensing instruction. For this purpose, any time during which the individual is a registered loan originator shall not be taken into account.	5119 5120 5121 5122 5123 5124
(5) A person having successfully completed the pre-licensing education requirement reviewed and approved by the nationwide mortgage licensing system and registry for any state within the previous five years shall be granted credit toward completion of	5125 5126 5127 5128

the pre-licensing education requirement of this state. 5129

(C) In addition to the information required under division 5130
(B) of this section, the application shall provide both of the 5131
following: 5132

(1) Evidence that the applicant passed a written test that 5133
meets the requirements described in ~~division (B)~~ of section 5134
1322.051 of the Revised Code; 5135

(2) Any further information that the superintendent requires. 5136

(D) Upon the filing of the application and payment of the 5137
application fee and any fee required by the nationwide mortgage 5138
licensing system and registry, the superintendent of financial 5139
institutions shall investigate the applicant as set forth in 5140
division (D) of this section. 5141

(1)(a) Notwithstanding division (K) of section 121.08 of the 5142
Revised Code, the superintendent shall obtain a criminal history 5143
records check and, as part of the records check, request that 5144
criminal record information from the federal bureau of 5145
investigation be obtained. To fulfill this requirement, the 5146
superintendent shall do either of the following: 5147

(i) Request the superintendent of the bureau of criminal 5148
identification and investigation, or a vendor approved by the 5149
bureau, to conduct a criminal records check based on the 5150
applicant's fingerprints or, if the fingerprints are unreadable, 5151
based on the applicant's social security number, in accordance 5152
with division (A)(12) of section 109.572 of the Revised Code; 5153

(ii) Authorize the nationwide mortgage licensing system and 5154
registry to request a criminal history background check. 5155

(b) Any fee required under division (C)(3) of section 109.572 5156
of the Revised Code or by the nationwide mortgage licensing system 5157
and registry shall be paid by the applicant. 5158

(2) The superintendent shall conduct a civil records check. 5159

(3) If, in order to issue a license to an applicant, 5160
additional investigation by the superintendent outside this state 5161
is necessary, the superintendent may require the applicant to 5162
advance sufficient funds to pay the actual expenses of the 5163
investigation, if it appears that these expenses will exceed one 5164
hundred fifty dollars. The superintendent shall provide the 5165
applicant with an itemized statement of the actual expenses that 5166
the applicant is required to pay. 5167

(E)(1) In connection with applying for a loan originator 5168
license, the applicant shall furnish to the nationwide mortgage 5169
licensing system and registry the following information concerning 5170
the applicant's identity: 5171

(a) The applicant's fingerprints for submission to the 5172
federal bureau of investigation, and any other governmental agency 5173
or entity authorized to receive such information, for purposes of 5174
a state, national, and international criminal history background 5175
check; 5176

(b) Personal history and experience in a form prescribed by 5177
the nationwide mortgage licensing system and registry, along with 5178
authorization for the superintendent and the nationwide mortgage 5179
licensing system and registry to obtain the following: 5180

(i) An independent credit report from a consumer reporting 5181
agency; 5182

(ii) Information related to any administrative, civil, or 5183
criminal findings by any governmental jurisdiction. 5184

(2) In order to effectuate the purposes of divisions 5185
(E)(1)(a) and (E)(1)(b)(ii) of this section, the superintendent 5186
may use the conference of state bank supervisors, or a wholly 5187
owned subsidiary, as a channeling agent for requesting information 5188
from and distributing information to the United States department 5189

of justice or any other governmental agency. The superintendent 5190
may also use the nationwide mortgage licensing system and registry 5191
as a channeling agent for requesting information from and 5192
distributing information to any source related to matters subject 5193
to those divisions of this section. 5194

(F) The superintendent shall pay all funds advanced and 5195
application and renewal fees and penalties the superintendent 5196
receives pursuant to this section and section 1322.041 of the 5197
Revised Code to the treasurer of state to the credit of the 5198
consumer finance fund created in section 1321.21 of the Revised 5199
Code. 5200

(G) If an application for a loan originator license does not 5201
contain all of the information required under this section, and if 5202
that information is not submitted to the superintendent or to the 5203
nationwide mortgage licensing system and registry within ninety 5204
days after the superintendent or the nationwide mortgage licensing 5205
system and registry requests the information in writing, including 5206
by electronic transmission or facsimile, the superintendent may 5207
consider the application withdrawn. 5208

(H)(1) The business of a loan originator shall principally be 5209
transacted at an office of the mortgage broker with whom the 5210
licensee is employed or associated, which office is registered in 5211
accordance with division (A) of section 1322.02 of the Revised 5212
Code. Each original loan originator license shall be deposited 5213
with and maintained by the mortgage broker at the mortgage 5214
broker's main office. A copy of the license shall be maintained 5215
and displayed at the office where the loan originator principally 5216
transacts business. 5217

(2) If a loan originator's employment or association is 5218
terminated for any reason, the mortgage broker shall return the 5219
original loan originator license to the superintendent within five 5220
business days after the termination. The licensee may request the 5221

transfer of the license to another mortgage broker by submitting a 5222
transfer application, along with a fifteen dollar fee and any fee 5223
required by the national mortgage licensing system and registry, 5224
to the superintendent or may request the superintendent in writing 5225
to hold the license in escrow. Any licensee whose license is held 5226
in escrow shall cease activity as a loan originator. A licensee 5227
whose license is held in escrow shall be required to apply for 5228
renewal annually and to comply with the annual continuing 5229
education requirement. 5230

(3) A mortgage broker may employ or be associated with a loan 5231
originator on a temporary basis pending the transfer of the loan 5232
originator's license to the mortgage broker, if the mortgage 5233
broker receives written confirmation from the superintendent that 5234
the loan originator is licensed under sections 1322.01 to 1322.12 5235
of the Revised Code. 5236

(4) Notwithstanding divisions (H)(1) to (3) of this section, 5237
if a licensee is employed by or associated with a person or entity 5238
listed in division (G)(2) of section 1322.01 of the Revised Code, 5239
all of the following apply: 5240

(a) The licensee shall maintain and display the original loan 5241
originator license at the office where the licensee principally 5242
transacts business; 5243

(b) If the loan originator's employment or association is 5244
terminated, the loan originator shall return the original loan 5245
originator license to the superintendent within five business days 5246
after termination. The licensee may request the transfer of the 5247
license to a mortgage broker or another person or entity listed in 5248
division (G)(2) of section 1322.01 of the Revised Code by 5249
submitting a transfer application, along with a fifteen-dollar fee 5250
and any fee required by the national mortgage licensing system and 5251
registry, to the superintendent or may request the superintendent 5252
in writing to hold the license in escrow. A licensee whose license 5253

is held in escrow shall cease activity as a loan originator. A 5254
licensee whose license is held in escrow shall be required to 5255
apply for renewal annually and to comply with the annual 5256
continuing education requirement. 5257

(c) The licensee may seek to be employed or associated with a 5258
mortgage broker or person or entity listed in division (G)(2) of 5259
section 1322.01 of the Revised Code if the mortgage broker or 5260
person or entity receives written confirmation from the 5261
superintendent that the loan originator is licensed under sections 5262
1322.01 to 1322.12 of the Revised Code. 5263

(I) The superintendent may establish relationships or enter 5264
into contracts with the nationwide mortgage licensing system and 5265
registry, or any entities designated by it, to collect and 5266
maintain records and process transaction fees or other fees 5267
related to loan originator licenses or the persons associated with 5268
a licensee. 5269

(J) A loan originator license, or the authority granted under 5270
that license, is not assignable and cannot be franchised by 5271
contract or any other means. 5272

Sec. 1322.04. (A) Upon the conclusion of the investigation 5273
required under division (B) of section 1322.03 of the Revised 5274
Code, the superintendent of financial institutions shall issue a 5275
certificate of registration to the applicant if the superintendent 5276
finds that the following conditions are met: 5277

(1) The application is accompanied by the application fee and 5278
any fee required by the nationwide mortgage licensing system and 5279
registry. 5280

(a) If a check or other draft instrument is returned to the 5281
superintendent for insufficient funds, the superintendent shall 5282
notify the applicant by certified mail, return receipt requested, 5283

that the application will be withdrawn unless the applicant, 5284
within thirty days after receipt of the notice, submits the 5285
application fee and a one-hundred-dollar penalty to the 5286
superintendent. If the applicant does not submit the application 5287
fee and penalty within that time period, or if any check or other 5288
draft instrument used to pay the fee or penalty is returned to the 5289
superintendent for insufficient funds, the application shall be 5290
withdrawn. 5291

(b) If a check or other draft instrument is returned to the 5292
superintendent for insufficient funds after the certificate of 5293
registration has been issued, the superintendent shall notify the 5294
registrant by certified mail, return receipt requested, that the 5295
certificate of registration issued in reliance on the check or 5296
other draft instrument will be canceled unless the registrant, 5297
within thirty days after receipt of the notice, submits the 5298
application fee and a one-hundred-dollar penalty to the 5299
superintendent. If the registrant does not submit the application 5300
fee and penalty within that time period, or if any check or other 5301
draft instrument used to pay the fee or penalty is returned to the 5302
superintendent for insufficient funds, the certificate of 5303
registration shall be canceled immediately without a hearing, and 5304
the registrant shall cease activity as a mortgage broker. 5305

(2) If the application is for a location that is a residence, 5306
evidence that the use of the residence to transact business as a 5307
mortgage broker is not prohibited. 5308

(3) The person designated on the application pursuant to 5309
division (A)(3) of section 1322.03 of the Revised Code meets the 5310
experience requirements provided in division (A)(4) of section 5311
1322.03 of the Revised Code and the education requirements set 5312
forth in division (A)(5) of section 1322.03 of the Revised Code. 5313

(4) The applicant maintains all necessary filings and 5314
approvals required by the secretary of state. 5315

(5) The applicant complies with the surety bond requirements 5316
of section 1322.05 of the Revised Code. 5317

(6) The applicant complies with sections 1322.01 to 1322.12 5318
of the Revised Code and the rules adopted thereunder. 5319

(7) Neither the applicant nor any person whose identity is 5320
required to be disclosed on an application for a mortgage broker 5321
certificate of registration has had a mortgage broker certificate 5322
of registration or loan originator license, or any comparable 5323
authority, revoked in any governmental jurisdiction or has pleaded 5324
guilty or nolo contendere to or been convicted of any of the 5325
following in a domestic, foreign, or military court: 5326

(a) During the seven-year period immediately preceding the 5327
date of application for the certificate of registration, a 5328
misdemeanor involving theft or any felony; 5329

(b) At any time prior to the date the application for the 5330
certificate of registration is approved, a felony involving an act 5331
of fraud, dishonesty, a breach of trust, theft, or money 5332
laundering. 5333

(8) Based on the totality of the circumstances and 5334
information submitted in the application, the applicant has proven 5335
to the superintendent, by a preponderance of the evidence, that 5336
the applicant is of good business repute, appears qualified to act 5337
as a mortgage broker, has fully complied with sections 1322.01 to 5338
1322.12 of the Revised Code and the rules adopted thereunder, and 5339
meets all of the conditions for issuing a mortgage broker 5340
certificate of registration. 5341

(9) The applicant's operations manager successfully completed 5342
the examination required ~~under division (A) of~~ by section 1322.051 5343
of the Revised Code. 5344

(10) The applicant's financial responsibility, experience, 5345
character, and general fitness command the confidence of the 5346

public and warrant the belief that the business will be operated 5347
honestly and fairly in compliance with the purposes of sections 5348
1322.01 to 1322.12 of the Revised Code and the rules adopted 5349
thereunder. The superintendent shall not use a credit score as the 5350
sole basis for registration denial. 5351

(B) For purposes of determining whether an applicant that is 5352
a partnership, corporation, or other business entity or 5353
association has met the conditions set forth in divisions (A)(7), 5354
(A)(8), and (A)(10) of this section, the superintendent shall 5355
determine which partners, shareholders, or persons named in the 5356
application pursuant to division (A)(2) of section 1322.03 of the 5357
Revised Code must meet the conditions set forth in divisions 5358
(A)(7), (A)(8), and (A)(10) of this section. This determination 5359
shall be based on the extent and nature of the partner's, 5360
shareholder's, or person's ownership interest in the partnership, 5361
corporation, or other business entity or association that is the 5362
applicant and on whether the person is in a position to direct, 5363
control, or adversely influence the operations of the applicant. 5364

(C) The certificate of registration issued pursuant to 5365
division (A) of this section may be renewed annually on or before 5366
the thirty-first day of December if the superintendent finds that 5367
all of the following conditions are met: 5368

(1) The renewal application is accompanied by a nonrefundable 5369
renewal fee of five hundred dollars for each location of an office 5370
to be maintained by the applicant in accordance with division (A) 5371
of section 1322.02 of the Revised Code and any fee required by the 5372
nationwide mortgage licensing system and registry. If a check or 5373
other draft instrument is returned to the superintendent for 5374
insufficient funds, the superintendent shall notify the registrant 5375
by certified mail, return receipt requested, that the certificate 5376
of registration renewed in reliance on the check or other draft 5377
instrument will be canceled unless the registrant, within thirty 5378

days after receipt of the notice, submits the renewal fee and a 5379
one-hundred-dollar penalty to the superintendent. If the 5380
registrant does not submit the renewal fee and penalty within that 5381
time period, or if any check or other draft instrument used to pay 5382
the fee or penalty is returned to the superintendent for 5383
insufficient funds, the certificate of registration shall be 5384
canceled immediately without a hearing and the registrant shall 5385
cease activity as a mortgage broker. 5386

(2) The operations manager designated under division (A)(3) 5387
of section 1322.03 of the Revised Code has completed, at least 5388
eight hours of continuing education as required under section 5389
1322.052 of the Revised Code. 5390

(3) The applicant meets the conditions set forth in divisions 5391
(A)(2) to (10) of this section. 5392

(4) The applicant's mortgage broker certificate of 5393
registration is not subject to an order of suspension or an unpaid 5394
and past due fine imposed by the superintendent. 5395

(D)(1) Subject to division (D)(2) of this section, if a 5396
renewal fee or additional fee required by the nationwide mortgage 5397
licensing system and registry is received by the superintendent 5398
after the thirty-first day of December, the mortgage broker 5399
certificate of registration shall not be considered renewed, and 5400
the applicant shall cease activity as a mortgage broker. 5401

(2) Division (D)(1) of this section shall not apply if the 5402
applicant, no later than the thirty-first day of January, submits 5403
the renewal fee or additional fee and a one-hundred-dollar penalty 5404
to the superintendent. 5405

(E) If the person designated as the operations manager 5406
pursuant to division (A)(3) of section 1322.03 of the Revised Code 5407
is no longer the operations manager, the registrant shall do all 5408
of the following: 5409

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

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

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

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

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

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

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

(a) If a check or other draft instrument is returned to the superintendent for insufficient funds, the superintendent shall notify the applicant by certified mail, return receipt requested, that the application will be withdrawn unless the applicant, within thirty days after receipt of the notice, submits the

application fee and a one-hundred-dollar penalty to the 5440
superintendent. If the applicant does not submit the application 5441
fee and penalty within that time period, or if any check or other 5442
draft instrument used to pay the fee or penalty is returned to the 5443
superintendent for insufficient funds, the application shall be 5444
withdrawn. 5445

(b) If a check or other draft instrument is returned to the 5446
superintendent for insufficient funds after the license has been 5447
issued, the superintendent shall notify the licensee by certified 5448
mail, return receipt requested, that the license issued in 5449
reliance on the check or other draft instrument will be canceled 5450
unless the licensee, within thirty days after receipt of the 5451
notice, submits the application fee and a one-hundred-dollar 5452
penalty to the superintendent. If the licensee does not submit the 5453
application fee and penalty within that time period, or if any 5454
check or other draft instrument used to pay the fee or penalty is 5455
returned to the superintendent for insufficient funds, the license 5456
shall be canceled immediately without a hearing, and the licensee 5457
shall cease activity as a loan originator. 5458

(2) The applicant complies with sections 1322.01 to 1322.12 5459
of the Revised Code and the rules adopted thereunder. 5460

(3) The applicant has not been convicted of or pleaded guilty 5461
or nolo contendere to any of the following in a domestic, foreign, 5462
or military court: 5463

(a) During the seven-year period immediately preceding the 5464
date of application for the license, a misdemeanor involving theft 5465
or any felony; 5466

(b) At any time prior to the date the application for the 5467
license is approved, a felony involving an act of fraud, 5468
dishonesty, a breach of trust, theft, or money laundering. 5469

(4) Based on the totality of the circumstances and 5470

information submitted in the application, the applicant has proven 5471
to the superintendent, by a preponderance of the evidence, that 5472
the applicant is of good business repute, appears qualified to act 5473
as a loan originator, has fully complied with sections 1322.01 to 5474
1322.12 of the Revised Code and the rules adopted thereunder, and 5475
meets all of the conditions for issuing a loan originator license. 5476

(5) The applicant successfully completed the written test 5477
required ~~under division (B) of~~ by section 1322.051 of the Revised 5478
Code and completed the prelicensing instruction set forth in 5479
division (B) of section 1322.031 of the Revised Code. 5480

(6) The applicant's financial responsibility, character, and 5481
general fitness command the confidence of the public and warrant 5482
the belief that the business will be operated honestly and fairly 5483
in compliance with the purposes of sections 1322.01 to 1322.12 of 5484
the Revised Code. The superintendent shall not use a credit score 5485
as the sole basis for a license denial. 5486

(7) The applicant is in compliance with the surety bond 5487
requirements of section 1322.05 of the Revised Code. 5488

(8) The applicant has not had a loan originator license, or 5489
comparable authority, revoked in any governmental jurisdiction. 5490

(B) The license issued under division (A) of this section may 5491
be renewed annually on or before the thirty-first day of December 5492
if the superintendent finds that all of the following conditions 5493
are met: 5494

(1) The renewal application is accompanied by a nonrefundable 5495
renewal fee of one hundred fifty dollars and any fee required by 5496
the nationwide mortgage licensing system and registry. If a check 5497
or other draft instrument is returned to the superintendent for 5498
insufficient funds, the superintendent shall notify the licensee 5499
by certified mail, return receipt requested, that the license 5500
renewed in reliance on the check or other draft instrument will be 5501

canceled unless the licensee, within thirty days after receipt of the notice, submits the renewal fee and a one-hundred-dollar penalty to the superintendent. If the licensee does not submit the renewal fee and penalty within that time period, or if any check or other draft instrument used to pay the fee or penalty is returned to the superintendent for insufficient funds, the license shall be canceled immediately without a hearing, and the licensee shall cease activity as a loan originator.

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

(3) The applicant meets the conditions set forth in divisions (A)(2) to (8) of this section; provided, however, that an applicant who was issued a loan officer license prior to January 1, 2010, and has continuously maintained that license shall not be required to meet the condition described in division (B)(1)(b) of section 1322.031 of the Revised Code.

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

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

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

(D) Loan originator licenses issued on or after May 1, 2010,

annually expire on the thirty-first day of December. 5533

Sec. 1322.051. ~~(A)~~ Each person designated under division 5534
(A)(3) of section 1322.03 of the Revised Code to act as operations 5535
manager for a mortgage broker business ~~shall submit to a written~~ 5536
~~test approved by the superintendent of financial institutions. An~~ 5537
~~individual shall not be considered to have passed the written test~~ 5538
~~unless the individual achieves a test score of at least~~ 5539
~~seventy five per cent correct answers to all questions.~~ 5540

~~(B)~~ Each and each applicant for a loan originator license 5541
shall submit to a written test that is developed and approved by 5542
the nationwide mortgage licensing system and registry and 5543
administered by a test provider approved by the nationwide 5544
mortgage licensing system and registry based on reasonable 5545
standards. 5546

~~(1)~~(A) The test shall adequately measure the designee's or 5547
applicant's knowledge and comprehension in appropriate subject 5548
areas, including ethics, federal and state law related to mortgage 5549
origination, fraud, consumer protection, and the nontraditional 5550
mortgage marketplace, and fair lending issues. 5551

~~(2)~~(B) An individual shall not be considered to have passed 5552
the written test unless the individual ~~achieves a test score of~~ 5553
answers at least seventy-five per cent ~~correct answers on all of~~ 5554
the questions and ~~at least seventy five per cent correct answers~~ 5555
~~on all questions relating to state mortgage lending laws and the~~ 5556
~~Ohio consumer sales practices act, Chapter 1345. of the Revised~~ 5557
~~Code, as it applies to registrants and licensees~~ correctly. 5558

~~(3)~~(C) An individual may retake the test three consecutive 5559
times provided the period between taking the tests is at least 5560
thirty days. If an individual fails three consecutive tests, the 5561
individual shall be required to wait at least six months before 5562
taking the test again. 5563

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

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

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

Sec. 1322.06. (A) As often as the superintendent of financial
institutions considers it necessary, the superintendent may
examine the registrant's or licensee's records, including all
records created or processed by a licensee, pertaining to business
transacted pursuant to sections 1322.01 to 1322.12 of the Revised
Code.

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

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

(C) Each registrant and licensee shall submit to the
nationwide mortgage licensing system and registry call reports or
other reports of condition, which reports shall be in such form

and shall contain such information as the nationwide mortgage 5594
licensing system and registry may require. 5595

(D)(1) As required by the superintendent, each registrant 5596
shall file with the division of financial institutions an annual 5597
report under oath or affirmation, on forms supplied by the 5598
division, concerning the business and operations of the registrant 5599
for the preceding calendar year. If a registrant operates two or 5600
more registered offices, or two or more affiliated registrants 5601
operate registered offices, a composite report of the group of 5602
registered offices may be filed in lieu of individual reports. For 5603
purposes of compliance with this requirement, the superintendent 5604
may accept call reports or other reports of condition submitted to 5605
the nationwide mortgage licensing system and registry in lieu of 5606
the annual report. 5607

(2) The ~~division~~ superintendent shall publish annually an 5608
analysis of the information required under division (D)(1) of this 5609
section, but the individual reports, whether filed with the 5610
superintendent or the nationwide mortgage licensing system and 5611
registry, shall not be public records and shall not be open to 5612
public inspection or otherwise be subject to section 149.43 of the 5613
Revised Code. 5614

Sec. 1322.11. (A)(1) A buyer injured by a violation of 5615
section 1322.02, 1322.062, ~~1322.063~~, 1322.064, 1322.07, 1322.071, 5616
1322.08, or 1322.09 of the Revised Code may bring an action for 5617
recovery of damages. 5618

(2) Damages awarded under division (A)(1) of this section 5619
shall not be less than all compensation paid directly and 5620
indirectly to a mortgage broker or loan originator from any 5621
source, plus reasonable attorney's fees and court costs. 5622

(3) The buyer may be awarded punitive damages. 5623

(B)(1) The superintendent of financial institutions or a buyer may directly bring an action to enjoin a violation of sections 1322.01 to 1322.12 of the Revised Code. The attorney general may directly bring an action to enjoin a violation of sections 1322.01 to 1322.12 of the Revised Code with the same rights, privileges, and powers as those described in section 1345.06 of the Revised Code. The prosecuting attorney of the county in which the action may be brought may bring an action to enjoin a violation of sections 1322.01 to 1322.12 of the Revised Code only if the prosecuting attorney first presents any evidence of the violation to the attorney general and, within a reasonable period of time, the attorney general has not agreed to bring the action.

(2) The superintendent may initiate criminal proceedings under sections 1322.01 to 1322.12 of the Revised Code by presenting any evidence of criminal violation to the prosecuting attorney of the county in which the offense may be prosecuted. If the prosecuting attorney does not prosecute the violations, or at the request of the prosecuting attorney, the superintendent shall present any evidence of criminal violations to the attorney general, who may proceed in the prosecution with all the rights, privileges, and powers conferred by law on prosecuting attorneys, including the power to appear before grand juries and to interrogate witnesses before such grand juries. These powers of the attorney general shall be in addition to any other applicable powers of the attorney general.

(3) The prosecuting attorney of the county in which an alleged offense may be prosecuted may initiate criminal proceedings under sections 1322.01 to 1322.12 of the Revised Code.

(4) In order to initiate criminal proceedings under sections 1322.01 to 1322.12 of the Revised Code, the attorney general shall first present any evidence of criminal violations to the

prosecuting attorney of the county in which the alleged offense 5656
may be prosecuted. If, within a reasonable period of time, the 5657
prosecuting attorney has not agreed to prosecute the violations, 5658
the attorney general may proceed in the prosecution with all the 5659
rights, privileges, and powers described in division (B)(2) of 5660
this section. 5661

(5) When a judgment under this section becomes final, the 5662
clerk of court shall mail a copy of the judgment, including 5663
supporting opinions, to the superintendent. 5664

(C) The remedies provided by this section are in addition to 5665
any other remedy provided by law. 5666

(D) In any proceeding or action brought under sections 5667
1322.01 to 1322.12 of the Revised Code, the burden of proving an 5668
exemption under those sections is on the person claiming the 5669
benefit of the exemption. 5670

(E) No person shall be deemed to violate sections 1322.01 to 5671
1322.12 of the Revised Code with respect to any act taken or 5672
omission made in reliance on a written notice, written 5673
interpretation, or written report from the superintendent, unless 5674
there is a subsequent amendment to those sections, or rules 5675
promulgated thereunder, that affects the superintendent's notice, 5676
interpretation, or report. 5677

(F) Upon disbursement of mortgage loan proceeds to or on 5678
behalf of the buyer, the registrant that assisted the buyer to 5679
obtain the mortgage loan is deemed to have completed the 5680
performance of the registrant's services for the buyer and owes no 5681
additional duties or obligations to the buyer with respect to the 5682
mortgage loan. However, nothing in this division shall be 5683
construed to limit or preclude the civil or criminal liability of 5684
a registrant for failing to comply with sections 1322.01 to 5685
1322.12 of the Revised Code or any rule adopted under those 5686

sections, for failing to comply with any provision of or duty 5687
arising under an agreement with a buyer or lender under sections 5688
1322.01 to 1322.12 of the Revised Code, or for violating any other 5689
provision of state or federal law. 5690

(G) A buyer injured by a violation of any of the sections 5691
specified in division (A)(1) of this section is precluded from 5692
recovering any damages, plus reasonable attorney's fees and costs, 5693
if the buyer has also recovered any damages in a cause of action 5694
initiated under section 1322.081 of the Revised Code and the 5695
recovery of damages for a violation of any of the sections 5696
specified in division (A)(1) of this section is based on the same 5697
acts or circumstances as the basis for recovery of damages in 5698
section 1322.081 of the Revised Code. 5699

Sec. 1345.06. (A) If, by ~~his~~ the attorney general's own 5700
inquiries or as a result of complaints, the attorney general has 5701
reasonable cause to believe that a person has engaged or is 5702
engaging in an act or practice that violates Chapter 1345. of the 5703
Revised Code, he may investigate. 5704

(B) For this purpose, the attorney general may administer 5705
oaths, subpoena witnesses, adduce evidence, and require the 5706
production of relevant matter. 5707

If matter that the attorney general requires to be produced 5708
is located outside the state, ~~he~~ the attorney general may 5709
designate representatives, including officials of the state in 5710
which the matter is located, to inspect the matter on ~~his~~ the 5711
attorney general's behalf, and ~~he~~ the attorney general may respond 5712
to similar requests from officials of other states. The person 5713
subpoenaed may make the matter available to the attorney general 5714
at a convenient location within the state or pay the reasonable 5715
and necessary expenses for the attorney general or ~~his~~ the 5716
attorney general's representative to examine the matter at the 5717

place where it is located, provided that expenses shall not be 5718
charged to a party not subsequently found to have engaged in an 5719
act or practice violative of Chapter 1345. of the Revised Code. 5720

(C) Within twenty days after a subpoena has been served, a 5721
person subpoenaed under this section may file a motion to extend 5722
the return day, or to modify or quash the subpoena, stating good 5723
cause, ~~may be filed~~ in the court of common pleas of Franklin 5724
county or ~~the~~ any other county in ~~which the person served resides~~ 5725
~~or has his principal place of business~~ this state. 5726

(D) A person subpoenaed under this section shall comply with 5727
the terms of the subpoena, unless the parties agree to modify the 5728
terms of the subpoena or unless the court has modified or quashed 5729
the subpoena, extended the return day of the subpoena, or issued 5730
any other order with respect to the subpoena prior to its return 5731
day. 5732

If a person fails without lawful excuse to obey a subpoena or 5733
to produce relevant matter, the attorney general may apply to the 5734
court of common pleas of ~~the~~ Franklin county or any other county 5735
in ~~which the person subpoenaed resides or has his principal place~~ 5736
~~of business~~ this state for an order compelling compliance. 5737

(E) The attorney general may request that an individual who 5738
refuses to testify or to produce relevant matter on the ground 5739
that the testimony or matter may incriminate ~~him~~ the individual be 5740
ordered by the court to provide the testimony or matter. With the 5741
exception of a prosecution for perjury and an action for damages 5742
under section 1345.07 or 1345.09 of the Revised Code, an 5743
individual who complies with a court order to provide testimony or 5744
matter, after asserting a privilege against self-incrimination to 5745
which ~~he~~ the individual is entitled by law, shall not be subjected 5746
to a criminal proceeding or to a civil penalty or forfeiture on 5747
the basis of the testimony or matter required to be disclosed or 5748
testimony or matter discovered through that testimony or matter. 5749

(F) The attorney general may: 5750

(1) During an investigation under this section, afford, in a 5751
manner considered appropriate to ~~him~~ to the attorney general, a 5752
supplier an opportunity to cease and desist from any suspected 5753
violation. ~~He~~ The attorney general may suspend ~~his~~ such an 5754
investigation during the time period that ~~he~~ the attorney general 5755
permits the supplier to cease and desist; however, the suspension 5756
of the investigation or the affording of an opportunity to cease 5757
and desist shall not prejudice or prohibit any further 5758
investigation by the attorney general under this section. 5759

(2) Terminate an investigation under this section upon 5760
acceptance of a written assurance of voluntary compliance from a 5761
supplier who is suspected of a violation of this chapter. 5762

Acceptance of an assurance may be conditioned upon an 5763
undertaking to reimburse or to take other appropriate corrective 5764
action with respect to identifiable consumers damaged by an 5765
alleged violation of this chapter. An assurance of compliance 5766
given by a supplier is not evidence of violation of this chapter. 5767
The attorney general may, at any time, reopen an investigation 5768
terminated by the acceptance of an assurance of voluntary 5769
compliance, if ~~he~~ the attorney general believes that further 5770
proceedings are in the public interest. Evidence of a violation of 5771
an assurance of voluntary compliance is prima-facie evidence of an 5772
act or practice in violation of this chapter, if presented after 5773
the violation in an action brought under this chapter. An 5774
assurance of voluntary compliance may be filed with the court and 5775
if approved by the court, entered as a consent judgment. 5776

(G) The procedures available to the attorney general under 5777
this section are cumulative and concurrent, and the exercise of 5778
one procedure by the attorney general does not preclude or require 5779
the exercise of any other procedure. 5780

Sec. 1541.50. (A) There is hereby created the state 5781
recreational vehicle fund advisory board consisting of seven 5782
members. Not later than sixty days after the effective date of 5783
this section, the director of natural resources shall appoint all 5784
of the following members to the board: 5785

(1) Two members who shall represent snowmobile users; 5786

(2) Two members who shall represent all-purpose vehicle 5787
users; 5788

(3) Two members who shall represent off-highway motorcycle 5789
users; 5790

(4) One member who shall represent power sport dealers. 5791

Of the initial appointments to the board, two shall serve for 5792
a one-year term, two shall serve for a two-year term, and three 5793
shall serve for a three-year term. Thereafter, terms of office 5794
shall be for three years, with each term ending on the same day of 5795
the same month as did the term that it succeeds. Each member shall 5796
hold office from the date of appointment until the end of the term 5797
for which the member was appointed. 5798

(B) After the initial appointments, the director of natural 5799
resources shall appoint members of the board in consultation with 5800
the following: 5801

(1) A list of candidates provided by a recognized statewide 5802
organization representing snowmobile users if the member being 5803
appointed will replace a member who represents snowmobile users; 5804

(2) A list of candidates provided by a recognized statewide 5805
organization representing all-purpose vehicle users if the member 5806
being appointed will replace a member who represents all-purpose 5807
vehicle users; 5808

(3) A list of candidates provided by a recognized statewide 5809
organization representing off-highway motorcycle users if the 5810

member being appointed will replace a member who represents 5811
off-highway motorcycle users; 5812

(4) A list of candidates provided by a recognized statewide 5813
organization representing power sport dealers if the member being 5814
appointed will replace a member who represents power sport 5815
dealers. 5816

Two weeks prior to the expiration of a member's term of 5817
office, or as soon as possible prior to or after a vacancy on the 5818
board, an applicable organization shall submit a list of 5819
candidates for the position. 5820

(C) Members may be reappointed. Any member appointed to fill 5821
a vacancy occurring prior to the expiration date of the term for 5822
which the member was appointed shall serve for the remainder of 5823
that term. A member shall continue to serve subsequent to the 5824
expiration date of the member's term until the member's successor 5825
takes office or until a period of sixty days has elapsed, 5826
whichever occurs first. 5827

(D) Serving as a member of the board does not constitute 5828
holding a public office or position of employment under the laws 5829
of this state and does not constitute grounds for removal of 5830
public officers or employees from their offices or positions of 5831
employment. 5832

(E) A board member shall be reimbursed for actual and 5833
necessary expenses incurred in the discharge of duties as a board 5834
member. 5835

(F) The state recreational vehicle fund advisory board shall 5836
provide advice to the department of natural resources regarding 5837
the use of state recreational vehicle fund money. The board also 5838
shall study the feasibility of establishing a grant program to 5839
fund recreational vehicle projects on both public and private 5840
lands. Not later than one year after the effective date of this 5841

section, the board shall issue a report of its findings and 5842
recommendations to the director of natural resources, the 5843
president and minority leader of the senate, the speaker and 5844
minority leader of the house of representatives, and the 5845
chairperson and the ranking minority member of the committee of 5846
the house of representatives and the committee of the senate with 5847
primary responsibility over issues related to natural resources. 5848

Sec. 1711.50. As used in sections 1711.50 to 1711.57 of the 5849
Revised Code: 5850

(A) "Amusement ride" means any mechanical, aquatic, or 5851
inflatable device, or combination of those devices that carries or 5852
conveys passengers on, along, around, over, or through a fixed or 5853
restricted course or within a defined area for the purpose of 5854
providing amusement, pleasure, or excitement. "Amusement ride" 5855
includes carnival rides, bungee jumping facilities, and fair 5856
rides, but does not include passenger tramways as defined in 5857
section 4169.01 of the Revised Code or amusement rides operated 5858
solely at trade shows for a limited period of time. For purposes 5859
of this division ~~(A) of this section~~, "trade show" means a place 5860
of exhibition not open to the general public where amusement ride 5861
manufacturers display, promote, operate, and sell amusement rides 5862
to prospective purchasers. 5863

(B) "Temporary amusement ride" means an amusement ride that 5864
is relocated at least once per year with or without disassembly. 5865

(C) "Permanent amusement ride" means an amusement ride that 5866
is erected to remain a lasting part of the premises. 5867

(D) "Owner" means any person who owns or leases and controls 5868
or manages the operation of an amusement ride, and includes 5869
individuals, partnerships, corporations, both profit and 5870
nonprofit, and the state and any of its political subdivisions and 5871
their departments or agencies. 5872

(E) "Operation" means the use or operation, or both, of an amusement ride with riders. 5873
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(F) "Rider" means any person who sits, stands, or is otherwise conveyed or carried as a passenger on an amusement ride, but does not include employees or agents of the owner of the amusement ride. 5875
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(G) "Amusement ride operator" means any person causing the amusement ride to go, stop, or perform its function. 5879
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(H) "Reassembly" means the installation, erection, or reconstruction of the main mechanical, safety, electrical, or electronic components of an amusement ride following transportation or storage and prior to operation. Replacement of mechanical, safety, electrical, or electronic components of an amusement ride for the purpose of repair or maintenance is not reassembly. 5881
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(I) "Repair" means to restore an amusement ride to a condition equal to or better than original design specifications. 5888
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(J) "Maintenance" means the preservation and upkeep of an amusement ride for the purpose of maintaining its designed operational capability. 5890
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(K) "Inspection" means a physical examination of an amusement ride by an inspector for the purpose of approving the application for a permit. "Inspection" includes a reinspection. 5893
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(L) "Accident" means an occurrence during the operation of an amusement ride ~~which~~ that results in death or injury requiring immediate hospital admission. 5896
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(M) "Serious injury" means an injury that does not require immediate hospital admission but does require medical treatment, other than first aid, by a physician. 5899
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(N) "First aid" means the one-time treatment or subsequent 5902

observation of scratches, cuts not requiring stitches, burns, 5903
splinters, and contusions or a diagnostic procedure, including 5904
examinations and x-rays, ~~which~~ that does not ordinarily require 5905
medical treatment even though provided by a physician or other 5906
licensed professional personnel. 5907

(O) "Advisory council" means the advisory council on 5908
amusement ride safety created by section 1711.51 of the Revised 5909
Code. 5910

(P) "Safe operation" means, except as provided in section 5911
1711.57 of the Revised Code, the practical application of 5912
maintenance, inspection, and operational processes, as indicated 5913
by the manufacturer, owner, or advisory council, that secures a 5914
rider from threat of physical danger, harm, or loss. 5915

(Q) "Private facility" means any facility that is accessible 5916
only to members of the facility and not accessible to the general 5917
public, even upon payment of a fee or charge, and that requires 5918
approval for membership by a membership committee representing the 5919
current members who have a policy requiring monetary payment to 5920
belong to the facility. 5921

(R) "Bungee jumping" means a fall or jump from a height by an 5922
individual who is attached to an elastic cord that prevents the 5923
individual from hitting the ground, water, or other solid, 5924
semi-solid, liquid, or elastic surface. 5925

(S) "Bungee jumping facility" means a device or structure 5926
utilized for bungee jumping. 5927

(T) "Kiddie ride" means an amusement ride designed for use by 5928
children under thirteen years of age who are unaccompanied by 5929
another person. "Kiddie ride" includes a roller coaster that is 5930
not more than forty feet in elevation at any point on the ride. 5931

Sec. 1711.53. (A)(1) No person shall operate an amusement 5932

ride within the state without a permit issued by the director of 5933
agriculture under division (A)(2) of this section. The owner of an 5934
amusement ride, whether the ride is a temporary amusement ride or 5935
a permanent amusement ride, who desires to operate the amusement 5936
ride within the state shall, prior to the operation of the 5937
amusement ride and annually thereafter, submit to the department 5938
of agriculture an application for a permit, together with the 5939
appropriate permit and inspection fee, on a form to be furnished 5940
by the department. Prior to issuing any permit the department 5941
shall, within thirty days after the date on which it receives the 5942
application, inspect each amusement ride described in the 5943
application. The owner of an amusement ride shall have the 5944
amusement ride ready for inspection not later than two hours after 5945
the time that is requested by the person for the inspection. 5946

(2) For each amusement ride found to comply with the rules 5947
adopted by the director under division (B) of this section and 5948
division (B) of section 1711.551 of the Revised Code, the director 5949
shall issue an annual permit, provided that evidence of liability 5950
insurance coverage for the amusement ride as required by section 5951
1711.54 of the Revised Code is on file with the department. 5952

(3) The director shall issue with each permit a decal 5953
indicating that the amusement ride has been issued the permit. The 5954
owner of the amusement ride shall affix the decal on the ride at a 5955
location where the decal is easily visible to the patrons of the 5956
ride. A copy of the permit shall be kept on file at the same 5957
address as the location of the amusement ride identified on the 5958
permit, and shall be made available for inspection, upon 5959
reasonable demand, by any person. An owner may operate an 5960
amusement ride prior to obtaining a permit, provided that the 5961
operation is for the purpose of testing the amusement ride or 5962
training amusement ride operators and other employees of the owner 5963
and the amusement ride is not open to the public. 5964

(B) The director, in accordance with Chapter 119. of the Revised Code, shall adopt rules providing for a schedule of fines, with no fine exceeding five thousand dollars, for violations of sections 1711.50 to 1711.57 of the Revised Code or any rules adopted under this division and for the classification of amusement rides and rules for the safe operation and inspection of all amusement rides as are necessary for amusement ride safety and for the protection of the general public. Rules adopted by the director for the safe operation and inspection of amusement rides shall be reasonable and based upon generally accepted engineering standards and practices. In adopting rules under this section, the director may adopt by reference, in whole or in part, the national fire code or the national electrical code (NEC) prepared by the national fire protection association, the standards of the American society for testing and materials (ASTM) or the American national standards institute (ANSI), or any other principles, tests, or standards of nationally recognized technical or scientific authorities. Insofar as is practicable and consistent with sections 1711.50 to 1711.57 of the Revised Code, rules adopted under this division shall be consistent with the rules of other states. The department shall cause sections 1711.50 to 1711.57 of the Revised Code and the rules adopted in accordance with this division and division (B) of section 1711.551 of the Revised Code to be published in pamphlet form and a copy to be furnished without charge to each owner of an amusement ride who holds a current permit or is an applicant therefor.

(C) With respect to an application for a permit for an amusement ride, an owner may apply to the director for a waiver or modification of any rule adopted under division (B) of this section if there are practical difficulties or unnecessary hardships for the amusement ride to comply with the rules. Any application shall set forth the reasons for the request. The director, with the approval of the advisory council on amusement

ride safety, may waive or modify the application of a rule to any 5998
amusement ride if the public safety is secure. Any authorization 5999
by the director under this division shall be in writing and shall 6000
set forth the conditions under which the waiver or modification is 6001
authorized, and the department shall retain separate records of 6002
all proceedings under this division. 6003

(D)(1) The director shall employ and provide for training of 6004
a chief inspector and additional inspectors and employees as may 6005
be necessary to administer and enforce sections 1711.50 to 1711.57 6006
of the Revised Code. The director may appoint or contract with 6007
other persons to perform inspections of amusement rides, provided 6008
that the persons meet the qualifications for inspectors 6009
established by rules adopted under division (B) of this section 6010
and are not owners, or employees of owners, of any amusement ride 6011
subject to inspection under sections 1711.50 to 1711.57 of the 6012
Revised Code. No person shall inspect an amusement ride who, 6013
within six months prior to the date of inspection, was an employee 6014
of the owner of the ride. 6015

(2) Before the director contracts with other persons to 6016
inspect amusement rides, the director shall seek the advice of the 6017
advisory council on amusement ride safety on whether to contract 6018
with those persons. The advice shall not be binding upon the 6019
director. After having received the advice of the council, the 6020
director may proceed to contract with inspectors in accordance 6021
with the procedures specified in division (E)(2) of section 6022
1711.11 of the Revised Code. 6023

(3) With the advice and consent of the advisory council on 6024
amusement ride safety, the director may employ a special 6025
consultant to conduct an independent investigation of an amusement 6026
ride accident. This consultant need not be in the civil service of 6027
the state, but shall have qualifications to conduct the 6028
investigation acceptable to the council. 6029

(E)(1) Except as otherwise provided in division (E)(1) of		6030
this section, the department shall charge the following amusement		6031
ride fees:		6032
Permit	\$ 150	6033
Annual inspection and reinspection per ride:		6034
Kiddie rides	\$ 100	6035
Roller coaster	\$ 950	6036
	<u>1,200</u>	
Aerial lifts or bungee jumping facilities	\$ 450	6037
Go karts, <u>per kart</u>	\$ 5	6038
<u>Inflatable rides, kiddie and adult</u>	\$ <u>105</u>	6039
Other rides	\$ 160	6040
Midseason operational inspection per ride	\$ 25	6041
Expedited inspection per ride	\$ 100	6042
Failure to cancel scheduled inspection per ride	\$ 100	6043
Failure to have amusement ride ready for inspection		6044
per ride	\$ 100	6045
The go kart inspection fee is in addition to the inspection		6046
fee for the go kart track.		6047
The fees for an expedited inspection, failure to cancel a		6048
scheduled inspection, and failure to have an amusement ride ready		6049
for inspection do not apply to go karts.		6050
As used in division (E)(1) of this section, "expedited		6051
inspection" means an inspection of an amusement ride by the		6052
department not later than ten days after the owner of the		6053
amusement ride files an application for a permit under this		6054
section.		6055
(2) All fees and fines collected by the department under		6056
sections 1711.50 to 1711.57 of the Revised Code shall be deposited		6057
in the state treasury to the credit of the amusement ride		6058
inspection fund, which is hereby created, and shall be used only		6059
for the purpose of administering and enforcing sections 1711.11		6060

and 1711.50 to 1711.57 of the Revised Code. 6061

(3) The owner of an amusement ride shall be required to pay a 6062
reinspection fee only if the reinspection was conducted at the 6063
owner's request under division (F) of this section, if the 6064
reinspection is required by division (F) of this section because 6065
of an accident, or if the reinspection is required by division (F) 6066
of section 1711.55 of the Revised Code. If a reinspection is 6067
conducted at the request of the chief officer of a fair, festival, 6068
or event where the ride is operating, the reinspection fee shall 6069
be charged to the fair, festival, or event. 6070

(4) The rules adopted under division (B) of this section 6071
shall define "~~kiddie rides~~," "roller coaster," "aerial lifts," "go 6072
karts," and "other rides" for purposes of determining the fees 6073
under division (E) of this section. The rules shall define "other 6074
rides" to include go kart tracks. 6075

(F) A reinspection of an amusement ride shall take place if 6076
an accident occurs, if the owner of the ride or the chief officer 6077
of the fair, festival, or event where the ride is operating 6078
requests a reinspection, or if the reinspection is required by 6079
division (F) of section 1711.55 of the Revised Code. 6080

(G) As a supplement to its annual inspection of a temporary 6081
amusement ride, the department may inspect the ride during each 6082
scheduled event, as listed in the schedule of events provided to 6083
the department by the owner pursuant to division (C) of section 6084
1711.55 of the Revised Code, at which the ride is operated in this 6085
state. These supplemental inspections are in addition to any other 6086
inspection or reinspection of the ride as may be required under 6087
sections 1711.50 to 1711.57 of the Revised Code, and the owner of 6088
the temporary amusement ride is not required to pay an inspection 6089
or reinspection fee for this supplemental inspection. Nothing in 6090
this division shall be construed to prohibit the owner of a 6091
temporary amusement ride having a valid permit to operate in this 6092

state from operating the ride at a scheduled event before the 6093
department conducts a supplemental inspection. 6094

(H) The department may annually conduct a midseason 6095
operational inspection of every amusement ride upon which it 6096
conducts an annual inspection pursuant to division (A) of this 6097
section. The midseason operational inspection is in addition to 6098
any other inspection or reinspection of the amusement ride as may 6099
be required pursuant to sections 1711.50 to 1711.57 of the Revised 6100
Code. The owner of an amusement ride shall submit to the 6101
department, at the time determined by the department, the 6102
midseason operational inspection fee specified in division (E) of 6103
this section. The director, in accordance with Chapter 119. of the 6104
Revised Code, shall adopt rules specifying the time period during 6105
which the department will conduct midseason operational 6106
inspections. 6107

Sec. 1724.10. (A) A community improvement corporation may be 6108
designated: 6109

(1) By a county, one or more townships, one or more municipal 6110
corporations, two or more adjoining counties, or any combination 6111
of the foregoing as the agency of each such political subdivision 6112
for the industrial, commercial, distribution, and research 6113
development in such political subdivision when the legislative 6114
authority of such political subdivision has determined that the 6115
policy of the political subdivision is to promote the health, 6116
safety, morals, and general welfare of its inhabitants through the 6117
designation of a community improvement corporation as such agency; 6118

(2) Solely by a county as the agency for the reclamation, 6119
rehabilitation, and reutilization of vacant, abandoned, 6120
tax-foreclosed, or other real property in the county; 6121

(3) By any political subdivision as the agency for the 6122
reclamation, rehabilitation, and reutilization of vacant, 6123

abandoned, tax-foreclosed, or other real property within the 6124
political subdivision if the subdivision enters into an agreement 6125
with the community improvement corporation that is the agency of a 6126
county, under division (A)(2) of this section, designating the 6127
corporation as the agency of the political subdivision. 6128

(B) Designations under this section shall be made by the 6129
legislative authority of the political subdivision by resolution 6130
or ordinance. Any political subdivision which has designated a 6131
community improvement corporation as such agency under this 6132
section may enter into an agreement with it to provide any one or 6133
more of the following: 6134

(1) That the community improvement corporation shall prepare 6135
a plan for the political subdivision of industrial, commercial, 6136
distribution, and research development, or of reclamation, 6137
rehabilitation, and reutilization of vacant, abandoned, 6138
tax-foreclosed, or other real property, and such plan shall 6139
provide therein the extent to which the community improvement 6140
corporation shall participate as the agency of the political 6141
subdivision in carrying out such plan. Such plan shall be 6142
confirmed by the legislative authority of the political 6143
subdivision. A community improvement corporation may insure 6144
mortgage payments required by a first mortgage on any industrial, 6145
economic, commercial, or civic property for which funds have been 6146
loaned by any person, corporation, bank, or financial or lending 6147
institution upon such terms and conditions as the community 6148
improvement corporation may prescribe. A community improvement 6149
corporation may incur debt, mortgage its property acquired under 6150
this section or otherwise, and issue its obligations, for the 6151
purpose of acquiring, constructing, improving, and equipping 6152
buildings, structures, and other properties, and acquiring sites 6153
therefor, for lease or sale by the community improvement 6154
corporation in order to carry out its participation in such plan. 6155

Except as provided for in division (C) of section 307.78 of the Revised Code, any such debt shall be solely that of the corporation and shall not be secured by the pledge of any moneys received or to be received from any political subdivision. All revenue bonds issued under sections 1724.02 and 1724.10 of the Revised Code are lawful investments of banks, savings and loan associations, deposit guarantee associations, trust companies, trustees, fiduciaries, trustees or other officers having charge of sinking or bond retirement funds of municipal corporations and other subdivisions of the state, and of domestic insurance companies notwithstanding sections 3907.14 and 3925.08 of the Revised Code. Not less than two-fifths of the governing board of any economic development corporation designated as the agency of one or more political subdivisions shall be composed of mayors, members of municipal legislative authorities, members of boards of township trustees, members of boards of county commissioners, or any other appointed or elected officers of such political subdivisions, provided that at least one officer from each political subdivision shall be a member of the governing board. Membership on the governing board of a community improvement corporation does not constitute the holding of a public office or employment within the meaning of sections 731.02 and 731.12 of the Revised Code or any other section of the Revised Code. The board of directors of a county land reutilization corporation shall be composed of the members set forth in section 1724.03 of the Revised Code. Membership on such governing boards shall not constitute an interest, either direct or indirect, in a contract or expenditure of money by any municipal corporation, township, county, or other political subdivision. No member of such governing boards shall be disqualified from holding any public office or employment, nor shall such member forfeit any such office or employment, by reason of membership on the governing board of a community improvement corporation notwithstanding any

law to the contrary. 6189

Actions taken under this section shall be in accordance with 6190
any applicable planning or zoning regulations. 6191

Any agreement entered into under this section may be amended 6192
or supplemented from time to time by the parties thereto. 6193

An economic development corporation designated as the agency 6194
of a political subdivision under this section shall promote and 6195
encourage the establishment and growth in such subdivision of 6196
industrial, commercial, distribution, and research facilities. A 6197
county land reutilization corporation designated as the agency of 6198
a political subdivision in an agreement between a political 6199
subdivision and a corporation shall promote the reclamation, 6200
rehabilitation, and reutilization of vacant, abandoned, 6201
tax-foreclosed, or other real property in the subdivision. 6202

(2) Authorization for the community improvement corporation 6203
to sell or to lease any ~~lands~~ real property or interests in ~~lands~~ 6204
real property owned by the political subdivision determined from 6205
time to time by the legislative authority thereof not to be 6206
required by such political subdivision for its purposes, for uses 6207
determined by the legislative authority as those that will promote 6208
the welfare of the people of the political subdivision, stabilize 6209
the economy, provide employment, assist in the development of 6210
industrial, commercial, distribution, and research activities to 6211
the benefit of the people of the political subdivision, will 6212
provide additional opportunities for their gainful employment, or 6213
will promote the reclamation, rehabilitation, and reutilization of 6214
vacant, abandoned, tax-foreclosed, or other real property within 6215
the subdivision. The legislative authority shall specify the 6216
consideration for such sale or lease and any other terms thereof. 6217
Any determinations made by the legislative authority under this 6218
division shall be conclusive. The community improvement 6219
corporation acting through its officers and on behalf and as agent 6220

of the political subdivision shall execute the necessary 6221
instruments, including deeds conveying the title of the political 6222
subdivision or leases, to accomplish such sale or lease. Such 6223
conveyance or lease shall be made without advertising and receipt 6224
of bids. A copy of such agreement shall be recorded in the office 6225
of the county recorder of any county in which ~~lands~~ real property 6226
or interests in ~~lands~~ real property to be sold or leased are 6227
situated prior to the recording of a deed or lease executed 6228
pursuant to such agreement. The county recorder shall not charge a 6229
county land reutilization corporation a fee as otherwise provided 6230
in section 317.32 of the Revised Code for the recording, indexing, 6231
or making of a certified copy or for the filing of any instrument 6232
by a county land reutilization corporation consistent with its 6233
public purposes. 6234

(3) That the political subdivision executing the agreement 6235
will convey to the community improvement corporation ~~lands~~ real 6236
property and interests in ~~lands~~ real property owned by the 6237
political subdivision and determined by the legislative authority 6238
thereof not to be required by the political subdivision for its 6239
purposes and that such conveyance of such ~~land~~ real property or 6240
interests in ~~land~~ real property will promote the welfare of the 6241
people of the political subdivision, stabilize the economy, 6242
provide employment, assist in the development of industrial, 6243
commercial, distribution, and research activities to the benefit 6244
of the people of the political subdivision, provide additional 6245
opportunities for their gainful employment or will promote the 6246
reclamation, rehabilitation, and reutilization of vacant, 6247
abandoned, tax-foreclosed, or other real property in the 6248
subdivision, for the consideration and upon the terms established 6249
in the agreement, and further that as the agency for development 6250
or land reutilization the community improvement corporation may 6251
acquire from others additional ~~lands~~ real property or interests in 6252
~~lands~~ real property, and any ~~lands~~ real property or interests in 6253

~~land~~ real property so conveyed by it for uses that will promote 6254
the welfare of the people of the political subdivision, stabilize 6255
the economy, provide employment, assist in the development of 6256
industrial, commercial, distribution, and research activities 6257
required for the people of the political subdivision and for their 6258
gainful employment or will promote the reclamation, 6259
rehabilitation, and reutilization of vacant, abandoned, 6260
tax-foreclosed, or other real property in the subdivision. Any 6261
conveyance or lease by the political subdivision to the community 6262
improvement corporation shall be made without advertising and 6263
receipt of bids. If any ~~lands~~ real property or interests in ~~land~~ 6264
real property conveyed by a political subdivision under this 6265
division are sold by the community improvement corporation at a 6266
price in excess of the consideration received by the political 6267
subdivision from the community improvement corporation, such 6268
excess shall be paid to such political subdivision after 6269
deducting, to the extent and in the manner provided in the 6270
agreement, the costs of such acquisition and sale, taxes, 6271
assessments, costs of maintenance, costs of improvements to the 6272
~~land~~ real property by the community improvement corporation, 6273
service fees, and any debt service charges of the corporation 6274
attributable to such ~~land~~ real property or interests. 6275

Sec. 1901.08. The number of, and the time for election of, 6276
judges of the following municipal courts and the beginning of 6277
their terms shall be as follows: 6278

In the Akron municipal court, two full-time judges shall be 6279
elected in 1951, two full-time judges shall be elected in 1953, 6280
one full-time judge shall be elected in 1967, and one full-time 6281
judge shall be elected in 1975. 6282

In the Alliance municipal court, one full-time judge shall be 6283
elected in 1953. 6284

In the Ashland municipal court, one full-time judge shall be elected in 1951. 6285
6286

In the Ashtabula municipal court, one full-time judge shall be elected in 1953. 6287
6288

In the Athens county municipal court, one full-time judge shall be elected in 1967. 6289
6290

In the Auglaize county municipal court, one full-time judge shall be elected in 1975. 6291
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In the Avon Lake municipal court, one ~~part-time~~ full-time judge shall be elected in ~~1957~~ 2017. On and after the effective date of this amendment, the part-time judge of the Avon Lake municipal court who was elected in 2011 shall serve as a full-time judge of the court until the end of that judge's term on December 31, 2017. 6293
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In the Barberton municipal court, one full-time judge shall be elected in 1969, and one full-time judge shall be elected in 1971. 6299
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In the Bedford municipal court, one full-time judge shall be elected in 1975, and one full-time judge shall be elected in 1979. 6302
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In the Bellefontaine municipal court, one full-time judge shall be elected in 1993. 6304
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In the Bellevue municipal court, one part-time judge shall be elected in 1951. 6306
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In the Berea municipal court, one full-time judge shall be elected in 2005. 6308
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In the Bowling Green municipal court, one full-time judge shall be elected in 1983. 6310
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In the Brown county municipal court, one full-time judge shall be elected in 2005. Beginning February 9, 2003, the part-time judge of the Brown county county court that existed 6312
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prior to that date whose term commenced on January 2, 2001, shall 6315
serve as the full-time judge of the Brown county municipal court 6316
until December 31, 2005. 6317

In the Bryan municipal court, one full-time judge shall be 6318
elected in 1965. 6319

In the Cambridge municipal court, one full-time judge shall 6320
be elected in 1951. 6321

In the Campbell municipal court, one part-time judge shall be 6322
elected in 1963. 6323

In the Canton municipal court, one full-time judge shall be 6324
elected in 1951, one full-time judge shall be elected in 1969, and 6325
two full-time judges shall be elected in 1977. 6326

In the Carroll county municipal court, one full-time judge 6327
shall be elected in 2009. Beginning January 1, 2007, the judge 6328
elected in 2006 to the part-time judgeship of the Carroll county 6329
county court that existed prior to that date shall serve as the 6330
full-time judge of the Carroll county municipal court until 6331
December 31, 2009. 6332

In the Celina municipal court, one full-time judge shall be 6333
elected in 1957. 6334

In the Champaign county municipal court, one full-time judge 6335
shall be elected in 2001. 6336

In the Chardon municipal court, one full-time judge shall be 6337
elected in 1963. 6338

In the Chillicothe municipal court, one full-time judge shall 6339
be elected in 1951, and one full-time judge shall be elected in 6340
1977. 6341

In the Circleville municipal court, one full-time judge shall 6342
be elected in 1953. 6343

In the Clark county municipal court, one full-time judge 6344

shall be elected in 1989, and two full-time judges shall be 6345
elected in 1991. The full-time judges of the Springfield municipal 6346
court who were elected in 1983 and 1985 shall serve as the judges 6347
of the Clark county municipal court from January 1, 1988, until 6348
the end of their respective terms. 6349

In the Clermont county municipal court, two full-time judges 6350
shall be elected in 1991, and one full-time judge shall be elected 6351
in 1999. 6352

In the Cleveland municipal court, six full-time judges shall 6353
be elected in 1975, three full-time judges shall be elected in 6354
1953, and four full-time judges shall be elected in 1955. 6355

In the Cleveland Heights municipal court, one full-time judge 6356
shall be elected in 1957. 6357

In the Clinton county municipal court, one full-time judge 6358
shall be elected in 1997. The full-time judge of the Wilmington 6359
municipal court who was elected in 1991 shall serve as the judge 6360
of the Clinton county municipal court from July 1, 1992, until the 6361
end of that judge's term on December 31, 1997. 6362

In the Columbiana county municipal court, two full-time 6363
judges shall be elected in 2001. 6364

In the Conneaut municipal court, one full-time judge shall be 6365
elected in 1953. 6366

In the Coshocton municipal court, one full-time judge shall 6367
be elected in 1951. 6368

In the Crawford county municipal court, one full-time judge 6369
shall be elected in 1977. 6370

In the Cuyahoga Falls municipal court, one full-time judge 6371
shall be elected in 1953, and one full-time judge shall be elected 6372
in 1967. Effective December 31, 2008, the Cuyahoga Falls municipal 6373
court shall cease to exist; however, the judges of the Cuyahoga 6374

Falls municipal court who were elected pursuant to this section in 2003 and 2007 for terms beginning on January 1, 2004, and January 1, 2008, respectively, shall serve as full-time judges of the Stow municipal court until December 31, 2009, and December 31, 2013, respectively.

In the Darke county municipal court, one full-time judge shall be elected in 2005. Beginning January 1, 2005, the part-time judge of the Darke county county court that existed prior to that date whose term began on January 1, 2001, shall serve as the full-time judge of the Darke county municipal court until December 31, 2005.

In the Dayton municipal court, three full-time judges shall be elected in 1987, their terms to commence on successive days beginning on the first day of January next after their election, and two full-time judges shall be elected in 1955, their terms to commence on successive days beginning on the second day of January next after their election.

In the Defiance municipal court, one full-time judge shall be elected in 1957.

In the Delaware municipal court, one full-time judge shall be elected in 1953, and one full-time judge shall be elected in 2007.

In the East Cleveland municipal court, one full-time judge shall be elected in 1957.

In the East Liverpool municipal court, one full-time judge shall be elected in 1953.

In the Eaton municipal court, one full-time judge shall be elected in 1973.

In the Elyria municipal court, one full-time judge shall be elected in 1955, and one full-time judge shall be elected in 1973.

In the Erie county municipal court, one full-time judge shall

be elected in 2007. 6405

In the Euclid municipal court, one full-time judge shall be 6406
elected in 1951. 6407

In the Fairborn municipal court, one full-time judge shall be 6408
elected in 1977. 6409

In the Fairfield county municipal court, one full-time judge 6410
shall be elected in 2003, and one full-time judge shall be elected 6411
in 2005. 6412

In the Fairfield municipal court, one full-time judge shall 6413
be elected in 1989. 6414

In the Findlay municipal court, one full-time judge shall be 6415
elected in 1955, and one full-time judge shall be elected in 1993. 6416

In the Franklin municipal court, one part-time judge shall be 6417
elected in 1951. 6418

In the Franklin county municipal court, two full-time judges 6419
shall be elected in 1969, three full-time judges shall be elected 6420
in 1971, seven full-time judges shall be elected in 1967, one 6421
full-time judge shall be elected in 1975, one full-time judge 6422
shall be elected in 1991, and one full-time judge shall be elected 6423
in 1997. 6424

In the Fremont municipal court, one full-time judge shall be 6425
elected in 1975. 6426

In the Gallipolis municipal court, one full-time judge shall 6427
be elected in 1981. 6428

In the Garfield Heights municipal court, one full-time judge 6429
shall be elected in 1951, and one full-time judge shall be elected 6430
in 1981. 6431

In the Girard municipal court, one full-time judge shall be 6432
elected in 1963. 6433

In the Hamilton municipal court, one full-time judge shall be 6434
elected in 1953. 6435

In the Hamilton county municipal court, five full-time judges 6436
shall be elected in 1967, five full-time judges shall be elected 6437
in 1971, two full-time judges shall be elected in 1981, and two 6438
full-time judges shall be elected in 1983. All terms of judges of 6439
the Hamilton county municipal court shall commence on the first 6440
day of January next after their election, except that the terms of 6441
the additional judges to be elected in 1981 shall commence on 6442
January 2, 1982, and January 3, 1982, and that the terms of the 6443
additional judges to be elected in 1983 shall commence on January 6444
4, 1984, and January 5, 1984. 6445

In the Hardin county municipal court, one part-time judge 6446
shall be elected in 1989. 6447

In the Hillsboro municipal court, one full-time judge shall 6448
be elected in 2011. On and after December 30, 2008, the part-time 6449
judge of the Hillsboro municipal court who was elected in 2005 6450
shall serve as a full-time judge of the court until the end of 6451
that judge's term on December 31, 2011. 6452

In the Hocking county municipal court, one full-time judge 6453
shall be elected in 1977. 6454

In the Holmes county municipal court, one full-time judge 6455
shall be elected in 2007. Beginning January 1, 2007, the part-time 6456
judge of the Holmes county county court that existed prior to that 6457
date whose term commenced on January 1, 2007, shall serve as the 6458
full-time judge of the Holmes county municipal court until 6459
December 31, 2007. 6460

In the Huron municipal court, one part-time judge shall be 6461
elected in 1967. 6462

In the Ironton municipal court, one full-time judge shall be 6463
elected in 1951. 6464

In the Jackson county municipal court, one full-time judge 6465
shall be elected in 2001. On and after March 31, 1997, the 6466
part-time judge of the Jackson county municipal court who was 6467
elected in 1995 shall serve as a full-time judge of the court 6468
until the end of that judge's term on December 31, 2001. 6469

In the Kettering municipal court, one full-time judge shall 6470
be elected in 1971, and one full-time judge shall be elected in 6471
1975. 6472

In the Lakewood municipal court, one full-time judge shall be 6473
elected in 1955. 6474

In the Lancaster municipal court, one full-time judge shall 6475
be elected in 1951, and one full-time judge shall be elected in 6476
1979. Beginning January 2, 2000, the full-time judges of the 6477
Lancaster municipal court who were elected in 1997 and 1999 shall 6478
serve as judges of the Fairfield county municipal court until the 6479
end of those judges' terms. 6480

In the Lawrence county municipal court, one part-time judge 6481
shall be elected in 1981. 6482

In the Lebanon municipal court, one part-time judge shall be 6483
elected in 1955. 6484

In the Licking county municipal court, one full-time judge 6485
shall be elected in 1951, and one full-time judge shall be elected 6486
in 1971. 6487

In the Lima municipal court, one full-time judge shall be 6488
elected in 1951, and one full-time judge shall be elected in 1967. 6489

In the Lorain municipal court, one full-time judge shall be 6490
elected in 1953, and one full-time judge shall be elected in 1973. 6491

In the Lyndhurst municipal court, one full-time judge shall 6492
be elected in 1957. 6493

In the Madison county municipal court, one full-time judge 6494

shall be elected in 1981. 6495

In the Mansfield municipal court, one full-time judge shall 6496
be elected in 1951, and one full-time judge shall be elected in 6497
1969. 6498

In the Marietta municipal court, one full-time judge shall be 6499
elected in 1957. 6500

In the Marion municipal court, one full-time judge shall be 6501
elected in 1951. 6502

In the Marysville municipal court, one full-time judge shall 6503
be elected in 2011. On and after January 18, 2007, the part-time 6504
judge of the Marysville municipal court who was elected in 2005 6505
shall serve as a full-time judge of the court until the end of 6506
that judge's term on December 31, 2011. 6507

In the Mason municipal court, one part-time judge shall be 6508
elected in 1965. 6509

In the Massillon municipal court, one full-time judge shall 6510
be elected in 1953, and one full-time judge shall be elected in 6511
1971. 6512

In the Maumee municipal court, one full-time judge shall be 6513
elected in 1963. 6514

In the Medina municipal court, one full-time judge shall be 6515
elected in 1957. 6516

In the Mentor municipal court, one full-time judge shall be 6517
elected in 1971. 6518

In the Miami county municipal court, one full-time judge 6519
shall be elected in 1975, and one full-time judge shall be elected 6520
in 1979. 6521

In the Miamisburg municipal court, one full-time judge shall 6522
be elected in 1951. 6523

In the Middletown municipal court, one full-time judge shall 6524
be elected in 1953. 6525

In the Montgomery county municipal court: 6526

One judge shall be elected in 2011 to a part-time judgeship 6527
for a term to begin on January 1, 2012. If any one of the other 6528
judgeships of the court becomes vacant and is abolished after July 6529
1, 2010, this judgeship shall become a full-time judgeship on that 6530
date. If only one other judgeship of the court becomes vacant and 6531
is abolished as of December 31, 2021, this judgeship shall be 6532
abolished as of that date. Beginning July 1, 2010, the part-time 6533
judge of the Montgomery county county court that existed before 6534
that date whose term commenced on January 1, 2005, shall serve as 6535
a part-time judge of the Montgomery county municipal court until 6536
December 31, 2011. 6537

One judge shall be elected in 2011 to a full-time judgeship 6538
for a term to begin on January 2, 2012, and this judgeship shall 6539
be abolished on January 1, 2016. Beginning July 1, 2010, the 6540
part-time judge of the Montgomery county county court that existed 6541
before that date whose term commenced on January 2, 2005, shall 6542
serve as a full-time judge of the Montgomery county municipal 6543
court until January 1, 2012. 6544

One judge shall be elected in 2013 to a full-time judgeship 6545
for a term to begin on January 2, 2014. Beginning July 1, 2010, 6546
the part-time judge of the Montgomery county county court that 6547
existed before that date whose term commenced on January 2, 2007, 6548
shall serve as a full-time judge of the Montgomery county 6549
municipal court until January 1, 2014. 6550

One judge shall be elected in 2013 to a judgeship for a term 6551
to begin on January 1, 2014. If no other judgeship of the court 6552
becomes vacant and is abolished by January 1, 2014, this judgeship 6553
shall be a part-time judgeship. When one or more of the other 6554

judgeships of the court becomes vacant and is abolished after July 6555
1, 2010, this judgeship shall become a full-time judgeship. 6556
Beginning July 1, 2010, the part-time judge of the Montgomery 6557
county county court that existed before that date whose term 6558
commenced on January 1, 2007, shall serve as this judge of the 6559
Montgomery county municipal court until December 31, 2013. 6560

If any one of the judgeships of the court becomes vacant 6561
before December 31, 2021, that judgeship is abolished on the date 6562
that it becomes vacant, and the other judges of the court shall be 6563
or serve as full-time judges. The abolishment of judgeships for 6564
the Montgomery county municipal court shall cease when the court 6565
has two full-time judgeships. 6566

In the Morrow county municipal court, one full-time judge 6567
shall be elected in 2005. Beginning January 1, 2003, the part-time 6568
judge of the Morrow county county court that existed prior to that 6569
date shall serve as the full-time judge of the Morrow county 6570
municipal court until December 31, 2005. 6571

In the Mount Vernon municipal court, one full-time judge 6572
shall be elected in 1951. 6573

In the Napoleon municipal court, one full-time judge shall be 6574
elected in 2005. 6575

In the New Philadelphia municipal court, one full-time judge 6576
shall be elected in 1975. 6577

In the Newton Falls municipal court, one full-time judge 6578
shall be elected in 1963. 6579

In the Niles municipal court, one full-time judge shall be 6580
elected in 1951. 6581

In the Norwalk municipal court, one full-time judge shall be 6582
elected in 1975. 6583

In the Oakwood municipal court, one part-time judge shall be 6584

elected in 1953. 6585

In the Oberlin municipal court, one full-time judge shall be 6586
elected in 1989. 6587

In the Oregon municipal court, one full-time judge shall be 6588
elected in 1963. 6589

In the Ottawa county municipal court, one full-time judge 6590
shall be elected in 1995, and the full-time judge of the Port 6591
Clinton municipal court who is elected in 1989 shall serve as the 6592
judge of the Ottawa county municipal court from February 4, 1994, 6593
until the end of that judge's term. 6594

In the Painesville municipal court, one full-time judge shall 6595
be elected in 1951. 6596

In the Parma municipal court, one full-time judge shall be 6597
elected in 1951, one full-time judge shall be elected in 1967, and 6598
one full-time judge shall be elected in 1971. 6599

In the Perrysburg municipal court, one full-time judge shall 6600
be elected in 1977. 6601

In the Portage county municipal court, two full-time judges 6602
shall be elected in 1979, and one full-time judge shall be elected 6603
in 1971. 6604

In the Port Clinton municipal court, one full-time judge 6605
shall be elected in 1953. The full-time judge of the Port Clinton 6606
municipal court who is elected in 1989 shall serve as the judge of 6607
the Ottawa county municipal court from February 4, 1994, until the 6608
end of that judge's term. 6609

In the Portsmouth municipal court, one full-time judge shall 6610
be elected in 1951, and one full-time judge shall be elected in 6611
1985. 6612

In the Putnam county municipal court, one full-time judge 6613
shall be elected in 2011. Beginning January 1, 2011, the part-time 6614

judge of the Putnam county county court that existed prior to that 6615
date whose term commenced on January 1, 2007, shall serve as the 6616
full-time judge of the Putnam county municipal court until 6617
December 31, 2011. 6618

In the Rocky River municipal court, one full-time judge shall 6619
be elected in 1957, and one full-time judge shall be elected in 6620
1971. 6621

In the Sandusky municipal court, one full-time judge shall be 6622
elected in 1953. 6623

In the Sandusky county municipal court, one full-time judge 6624
shall be elected in 2013. Beginning on January 1, 2013, the two 6625
part-time judges of the Sandusky county county court that existed 6626
prior to that date shall serve as part-time judges of the Sandusky 6627
county municipal court until December 31, 2013. If either 6628
judgeship becomes vacant before January 1, 2014, that judgeship is 6629
abolished on the date it becomes vacant, and the person who holds 6630
the other judgeship shall serve as the full-time judge of the 6631
Sandusky county municipal court until December 31, 2013. 6632

In the Shaker Heights municipal court, one full-time judge 6633
shall be elected in 1957. 6634

In the Shelby municipal court, one part-time judge shall be 6635
elected in 1957. 6636

In the Sidney municipal court, one full-time judge shall be 6637
elected in 1995. 6638

In the South Euclid municipal court, one full-time judge 6639
shall be elected in 1999. The part-time judge elected in 1993, 6640
whose term commenced on January 1, 1994, shall serve until 6641
December 31, 1999, and the office of that judge is abolished on 6642
January 1, 2000. 6643

In the Springfield municipal court, two full-time judges 6644

shall be elected in 1985, and one full-time judge shall be elected 6645
in 1983, all of whom shall serve as the judges of the Springfield 6646
municipal court through December 31, 1987, and as the judges of 6647
the Clark county municipal court from January 1, 1988, until the 6648
end of their respective terms. 6649

In the Steubenville municipal court, one full-time judge 6650
shall be elected in 1953. 6651

In the Stow municipal court, one full-time judge shall be 6652
elected in 2009, and one full-time judge shall be elected in 2013. 6653
Beginning January 1, 2009, the judge of the Cuyahoga Falls 6654
municipal court that existed prior to that date whose term 6655
commenced on January 1, 2008, shall serve as a full-time judge of 6656
the Stow municipal court until December 31, 2013. Beginning 6657
January 1, 2009, the judge of the Cuyahoga Falls municipal court 6658
that existed prior to that date whose term commenced on January 1, 6659
2004, shall serve as a full-time judge of the Stow municipal court 6660
until December 31, 2009. 6661

In the Struthers municipal court, one part-time judge shall 6662
be elected in 1963. 6663

In the Sylvania municipal court, one full-time judge shall be 6664
elected in 1963. 6665

In the Tiffin-Fostoria municipal court, one full-time judge 6666
shall be elected in 2013. 6667

In the Toledo municipal court, two full-time judges shall be 6668
elected in 1971, four full-time judges shall be elected in 1975, 6669
and one full-time judge shall be elected in 1973. 6670

In the Upper Sandusky municipal court, one full-time judge 6671
shall be elected in 2011. The part-time judge elected in 2005, 6672
whose term commenced on January 1, 2006, shall serve as a 6673
full-time judge on and after January 1, 2008, until the expiration 6674
of that judge's term on December 31, 2011, and the office of that 6675

judge is abolished on January 1, 2012. 6676

In the Vandalia municipal court, one full-time judge shall be 6677
elected in 1959. 6678

In the Van Wert municipal court, one full-time judge shall be 6679
elected in 1957. 6680

In the Vermilion municipal court, one part-time judge shall 6681
be elected in 1965. 6682

In the Wadsworth municipal court, one full-time judge shall 6683
be elected in 1981. 6684

In the Warren municipal court, one full-time judge shall be 6685
elected in 1951, and one full-time judge shall be elected in 1971. 6686

In the Washington Court House municipal court, one full-time 6687
judge shall be elected in 1999. The part-time judge elected in 6688
1993, whose term commenced on January 1, 1994, shall serve until 6689
December 31, 1999, and the office of that judge is abolished on 6690
January 1, 2000. 6691

In the Wayne county municipal court, one full-time judge 6692
shall be elected in 1975, and one full-time judge shall be elected 6693
in 1979. 6694

In the Willoughby municipal court, one full-time judge shall 6695
be elected in 1951. 6696

In the Wilmington municipal court, one full-time judge shall 6697
be elected in 1991, who shall serve as the judge of the Wilmington 6698
municipal court through June 30, 1992, and as the judge of the 6699
Clinton county municipal court from July 1, 1992, until the end of 6700
that judge's term on December 31, 1997. 6701

In the Xenia municipal court, one full-time judge shall be 6702
elected in 1977. 6703

In the Youngstown municipal court, one full-time judge shall 6704
be elected in 1951, and one full-time judge shall be elected in 6705

2013. 6706

In the Zanesville municipal court, one full-time judge shall 6707
be elected in 1953. 6708

Sec. 2101.026. (A) The probate court of Franklin county may 6709
accept funds or other program assistance from individuals, 6710
corporations, agencies, or organizations, including, but not 6711
limited to, the board of alcohol, drug addiction, and mental 6712
health services of Franklin county or the Franklin county board of 6713
developmental disabilities. Any funds received by the probate 6714
court of Franklin county under this division shall be paid into 6715
the treasury of Franklin county and credited to a fund to be known 6716
as the Franklin county probate court mental health fund. 6717

(B) The moneys in the Franklin county probate court mental 6718
health fund shall be used for services to help ensure the 6719
treatment of any person who is under the care of the board of 6720
alcohol, drug addiction, and mental health services of Franklin 6721
county ~~or,~~ the Franklin county board of developmental 6722
disabilities, or any other guardianships. These services include, 6723
but are not limited to, involuntary commitment proceedings and the 6724
establishment and management of adult guardianships, including all 6725
associated expenses, for wards who are under the care of the board 6726
of alcohol, drug addiction, and mental health services of Franklin 6727
county ~~or,~~ the Franklin county board of developmental 6728
disabilities, or any other guardianships. 6729

(C) If the judge of the probate court of Franklin county 6730
determines that some of the moneys in the Franklin county probate 6731
court mental health fund are needed for the efficient operation of 6732
that court, the moneys may be used for the acquisition of 6733
equipment, the hiring and training of staff, community services 6734
programs, volunteer guardianship training services, the employment 6735
of magistrates, and other related services. 6736

(D) The moneys in the Franklin county probate court mental health fund that may be used in part for the establishment and management of adult guardianships under division (B) of this section may be utilized to establish a Franklin county guardianship service. 6737
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(E)(1) A Franklin county guardianship service under division (D) of this section is established by creating a Franklin county guardianship service board comprised of three members. The judge of the probate court of Franklin county shall appoint one member. The board of directors of the Franklin county board of developmental disabilities shall appoint one member. The board of directors of the board of alcohol, drug addiction, and mental health services of Franklin county shall appoint one member. The term of appointment of each member is four years. 6742
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(2) The Franklin county guardianship service board may appoint a director of the board. The board shall determine the compensation of the director based on the availability of funds contained in the Franklin county probate court mental health fund. 6751
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(3) The members and the director, if any, of the Franklin county guardianship service board may receive appointments from the probate court of Franklin county to serve as guardians of both the person and estate of wards. The director may hire employees subject to available funds in the Franklin county probate court mental health fund. 6755
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(4) If a new director replaces a previously appointed director of the Franklin county guardianship service board, the new director shall replace the former director serving as a guardian under division (E)(3) of this section without the need of a successor guardianship hearing conducted by the probate court of Franklin county so long as the wards are the same wards for both the former director and the new director. 6761
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(5) The Franklin county guardianship service board that is 6768
created under division (E)(1) of this section shall promulgate all 6769
rules and regulations necessary for the efficient operation of the 6770
board and the Franklin county guardianship service. 6771

Sec. 2151.417. (A) Any court that issues a dispositional 6772
order pursuant to section 2151.353, 2151.414, or 2151.415 of the 6773
Revised Code may review at any time the child's placement or 6774
custody arrangement, the case plan prepared for the child pursuant 6775
to section 2151.412 of the Revised Code, the actions of the public 6776
children services agency or private child placing agency in 6777
implementing that case plan, the child's permanency plan if the 6778
child's permanency plan has been approved, and any other aspects 6779
of the child's placement or custody arrangement. In conducting the 6780
review, the court shall determine the appropriateness of any 6781
agency actions, the safety and appropriateness of continuing the 6782
child's placement or custody arrangement, and whether any changes 6783
should be made with respect to the child's permanency plan or 6784
placement or custody arrangement or with respect to the actions of 6785
the agency under the child's placement or custody arrangement. 6786
Based upon the evidence presented at a hearing held after notice 6787
to all parties and the guardian ad litem of the child, the court 6788
may require the agency, the parents, guardian, or custodian of the 6789
child, and the physical custodians of the child to take any 6790
reasonable action that the court determines is necessary and in 6791
the best interest of the child or to discontinue any action that 6792
it determines is not in the best interest of the child. 6793

(B) If a court issues a dispositional order pursuant to 6794
section 2151.353, 2151.414, or 2151.415 of the Revised Code, the 6795
court has continuing jurisdiction over the child as set forth in 6796
division (E)(1) of section 2151.353 of the Revised Code. The court 6797
may amend a dispositional order in accordance with division (E)(2) 6798
of section 2151.353 of the Revised Code at any time upon its own 6799

motion or upon the motion of any interested party. The court shall 6800
comply with section 2151.42 of the Revised Code in amending any 6801
dispositional order pursuant to this division. 6802

(C) Any court that issues a dispositional order pursuant to 6803
section 2151.353, 2151.414, or 2151.415 of the Revised Code shall 6804
hold a review hearing one year after the earlier of the date on 6805
which the complaint in the case was filed or the child was first 6806
placed into shelter care to review the case plan prepared pursuant 6807
to section 2151.412 of the Revised Code and the child's placement 6808
or custody arrangement, to approve or review the permanency plan 6809
for the child, and to make changes to the case plan and placement 6810
or custody arrangement consistent with the permanency plan. The 6811
court shall schedule the review hearing at the time that it holds 6812
the dispositional hearing pursuant to section 2151.35 of the 6813
Revised Code. 6814

The court shall hold a similar review hearing no later than 6815
every twelve months after the initial review hearing until the 6816
child is adopted, returned to the parents, or the court otherwise 6817
terminates the child's placement or custody arrangement, except 6818
that the dispositional hearing held pursuant to section 2151.415 6819
of the Revised Code shall take the place of the first review 6820
hearing to be held under this section. The court shall schedule 6821
each subsequent review hearing at the conclusion of the review 6822
hearing immediately preceding the review hearing to be scheduled. 6823

(D) If, within fourteen days after a written summary of an 6824
administrative review is filed with the court pursuant to section 6825
2151.416 of the Revised Code, the court does not approve the 6826
proposed change to the case plan filed pursuant to division (E) of 6827
section 2151.416 of the Revised Code or a party or the guardian ad 6828
litem requests a review hearing pursuant to division (E) of that 6829
section, the court shall hold a review hearing in the same manner 6830
that it holds review hearings pursuant to division (C) of this 6831

section, except that if a review hearing is required by this 6832
division and if a hearing is to be held pursuant to division (C) 6833
of this section or section 2151.415 of the Revised Code, the 6834
hearing held pursuant to division (C) of this section or section 6835
2151.415 of the Revised Code shall take the place of the review 6836
hearing required by this division. 6837

(E) If a court determines pursuant to section 2151.419 of the 6838
Revised Code that a public children services agency or private 6839
child placing agency is not required to make reasonable efforts to 6840
prevent the removal of a child from the child's home, eliminate 6841
the continued removal of a child from the child's home, and return 6842
the child to the child's home, and the court does not return the 6843
child to the child's home pursuant to division (A)(3) of section 6844
2151.419 of the Revised Code, the court shall hold a review 6845
hearing to approve the permanency plan for the child and, if 6846
appropriate, to make changes to the child's case plan and the 6847
child's placement or custody arrangement consistent with the 6848
permanency plan. The court may hold the hearing immediately 6849
following the determination under section 2151.419 of the Revised 6850
Code and shall hold it no later than thirty days after making that 6851
determination. 6852

(F) The court shall give notice of the review hearings held 6853
pursuant to this section to every interested party, including, but 6854
not limited to, the appropriate agency employees who are 6855
responsible for the child's care and planning, the child's 6856
parents, any person who had guardianship or legal custody of the 6857
child prior to the custody order, the child's guardian ad litem, 6858
and the child. The court shall summon every interested party to 6859
appear at the review hearing and give them an opportunity to 6860
testify and to present other evidence with respect to the child's 6861
custody arrangement, including, but not limited to, the following: 6862
the case plan for the child; the permanency plan, if one exists; 6863

the actions taken by the child's custodian; the need for a change 6864
in the child's custodian or caseworker; and the need for any 6865
specific action to be taken with respect to the child. The court 6866
shall require any interested party to testify or present other 6867
evidence when necessary to a proper determination of the issues 6868
presented at the review hearing. In any review hearing that 6869
pertains to a permanency plan for a child who will not be returned 6870
to the parent, the court shall consider in-state and out-of-state 6871
placement options and the court shall determine whether the 6872
in-state or the out-of-state placement continues to be appropriate 6873
and in the best interests of the child. In any review hearing that 6874
pertains to a permanency plan for a child, the court or a citizens 6875
board appointed by the court pursuant to division (H) of this 6876
section shall consult with the child, in an age-appropriate 6877
manner, regarding the proposed permanency plan for the child. 6878

(G) After the review hearing, the court shall take the 6879
following actions based upon the evidence presented: 6880

(1) If an administrative review has been conducted, determine 6881
whether the conclusions of the review are supported by a 6882
preponderance of the evidence and approve or modify the case plan 6883
based upon that evidence; 6884

(2) If the hearing was held under division (C) or (E) of this 6885
section, approve a permanency plan for the child that specifies 6886
whether and, if applicable, when the child will be safely returned 6887
home or placed for adoption, for legal custody, or in a planned 6888
permanent living arrangement. A permanency plan approved after a 6889
hearing under division (E) of this section shall not include any 6890
provision requiring the child to be returned to the child's home. 6891

(3) If the child is in temporary custody, do all of the 6892
following: 6893

(a) Determine whether the child can and should be returned 6894

home with or without an order for protective supervision; 6895

(b) If the child can and should be returned home with or 6896
without an order for protective supervision, terminate the order 6897
for temporary custody; 6898

(c) If the child cannot or should not be returned home with 6899
an order for protective supervision, determine whether the agency 6900
currently with custody of the child should retain custody or 6901
whether another public children services agency, private child 6902
placing agency, or an individual should be given custody of the 6903
child. 6904

The court shall comply with section 2151.42 of the Revised 6905
Code in taking any action under this division. 6906

(4) If the child is in permanent custody, determine what 6907
actions are required by the custodial agency and of any other 6908
organizations or persons in order to facilitate an adoption of the 6909
child and make any appropriate orders with respect to the custody 6910
arrangement or conditions of the child, including, but not limited 6911
to, a transfer of permanent custody to another public children 6912
services agency or private child placing agency; 6913

(5) Journalize the terms of the updated case plan for the 6914
child. 6915

(H) The court may appoint a referee or a citizens review 6916
board to conduct the review hearings that the court is required by 6917
this section to conduct, subject to the review and approval by the 6918
court of any determinations made by the referee or citizens review 6919
board. If the court appoints a citizens review board to conduct 6920
the review hearings, the board shall consist of one member 6921
representing the general public and four members who are trained 6922
or experienced in the care or placement of children and have 6923
training or experience in the fields of medicine, psychology, 6924
social work, education, or any related field. Of the initial 6925

appointments to the board, two shall be for a term of one year, 6926
two shall be for a term of two years, and one shall be for a term 6927
of three years, with all the terms ending one year after the date 6928
on which the appointment was made. Thereafter, all terms of the 6929
board members shall be for three years and shall end on the same 6930
day of the same month of the year as did the term that they 6931
succeed. Any member appointed to fill a vacancy occurring prior to 6932
the expiration of the term for which the member's predecessor was 6933
appointed shall hold office for the remainder of the term. 6934

(I) A copy of the court's determination following any review 6935
hearing held pursuant to this section shall be sent to the 6936
custodial agency, the guardian ad litem of the child who is the 6937
subject of the review hearing, and, if that child is not the 6938
subject of a permanent commitment hearing, the parents of the 6939
child. 6940

(J) If the hearing held under this section takes the place of 6941
an administrative review that otherwise would have been held under 6942
section 2151.416 of the Revised Code, the court at the hearing 6943
held under this section shall do all of the following in addition 6944
to any other requirements of this section: 6945

(1) Determine the continued necessity for and the safety and 6946
appropriateness of the child's placement; 6947

(2) Determine the extent of compliance with the child's case 6948
plan; 6949

(3) Determine the extent of progress that has been made 6950
toward alleviating or mitigating the causes necessitating the 6951
child's placement in foster care; 6952

(4) Project a likely date by which the child may be safely 6953
returned home or placed for adoption or legal custody. 6954

(K)(1) Whenever the court is required to approve a permanency 6955
plan under this section or section 2151.415 of the Revised Code, 6956

the public children services agency or private child placing 6957
agency that filed the complaint in the case, has custody of the 6958
child, or will be given custody of the child shall develop a 6959
permanency plan for the child. The agency must file the plan with 6960
the court prior to the hearing under this section or section 6961
2151.415 of the Revised Code. 6962

(2) The permanency plan developed by the agency must specify 6963
whether and, if applicable, when the child will be safely returned 6964
home or placed for adoption or legal custody. If the agency 6965
determines that there is a compelling reason why returning the 6966
child home or placing the child for adoption or legal custody is 6967
not in the best interest of the child, the plan shall provide that 6968
the child will be placed in a planned permanent living 6969
arrangement. A permanency plan developed as a result of a 6970
determination made under division (A)(2) of section 2151.419 of 6971
the Revised Code may not include any provision requiring the child 6972
to be returned home. 6973

(3)(a) Whenever a court is required under this section or 6974
section 2151.415 or 2151.419 of the Revised Code to conduct a 6975
review hearing to approve a permanency plan, the court shall 6976
determine whether the agency required to develop the plan has made 6977
reasonable efforts to finalize it. If the court determines the 6978
agency has not made reasonable efforts to finalize the plan, the 6979
court shall issue an order finalizing a permanency plan requiring 6980
the agency to use reasonable efforts to do the following: 6981

(i) Place the child in a timely manner into a permanent 6982
placement; 6983

(ii) Complete whatever steps are necessary to finalize the 6984
permanent placement of the child. 6985

(b) In making reasonable efforts as required in division 6986
(K)(3)(a) of this section, the agency shall consider the child's 6987

health and safety as the paramount concern. 6988

Sec. 2151.421. (A)(1)(a) No person described in division 6989
(A)(1)(b) of this section who is acting in an official or 6990
professional capacity and knows, or has reasonable cause to 6991
suspect based on facts that would cause a reasonable person in a 6992
similar position to suspect, that a child under eighteen years of 6993
age or a mentally retarded, developmentally disabled, or 6994
physically impaired child under twenty-one years of age has 6995
suffered or faces a threat of suffering any physical or mental 6996
wound, injury, disability, or condition of a nature that 6997
reasonably indicates abuse or neglect of the child shall fail to 6998
immediately report that knowledge or reasonable cause to suspect 6999
to the entity or persons specified in this division. Except as 7000
provided in section 5120.173 of the Revised Code, the person 7001
making the report shall make it to the public children services 7002
agency or a municipal or county peace officer in the county in 7003
which the child resides or in which the abuse or neglect is 7004
occurring or has occurred. In the circumstances described in 7005
section 5120.173 of the Revised Code, the person making the report 7006
shall make it to the entity specified in that section. 7007

(b) Division (A)(1)(a) of this section applies to any person 7008
who is an attorney; physician, including a hospital intern or 7009
resident; dentist; podiatrist; practitioner of a limited branch of 7010
medicine as specified in section 4731.15 of the Revised Code; 7011
registered nurse; licensed practical nurse; visiting nurse; other 7012
health care professional; licensed psychologist; licensed school 7013
psychologist; independent marriage and family therapist or 7014
marriage and family therapist; speech pathologist or audiologist; 7015
coroner; administrator or employee of a child day-care center; 7016
administrator or employee of a residential camp or child day camp; 7017
administrator or employee of a certified child care agency or 7018
other public or private children services agency; school teacher; 7019

school employee; school authority; person engaged in social work 7020
or the practice of professional counseling; agent of a county 7021
humane society; person, other than a cleric, rendering spiritual 7022
treatment through prayer in accordance with the tenets of a 7023
well-recognized religion; employee of a county department of job 7024
and family services who is a professional and who works with 7025
children and families; superintendent or regional administrator 7026
employed by the department of youth services; superintendent, 7027
board member, or employee of a county board of developmental 7028
disabilities; investigative agent contracted with by a county 7029
board of developmental disabilities; employee of the department of 7030
developmental disabilities; employee of a facility or home that 7031
provides respite care in accordance with section 5123.171 of the 7032
Revised Code; employee of a home health agency; employee of an 7033
entity that provides homemaker services; a person performing the 7034
duties of an assessor pursuant to Chapter 3107. or 5103. of the 7035
Revised Code; or third party employed by a public children 7036
services agency to assist in providing child or family related 7037
services. 7038

(2) Except as provided in division (A)(3) of this section, an 7039
attorney or a physician is not required to make a report pursuant 7040
to division (A)(1) of this section concerning any communication 7041
the attorney or physician receives from a client or patient in an 7042
attorney-client or physician-patient relationship, if, in 7043
accordance with division (A) or (B) of section 2317.02 of the 7044
Revised Code, the attorney or physician could not testify with 7045
respect to that communication in a civil or criminal proceeding. 7046

(3) The client or patient in an attorney-client or 7047
physician-patient relationship described in division (A)(2) of 7048
this section is deemed to have waived any testimonial privilege 7049
under division (A) or (B) of section 2317.02 of the Revised Code 7050
with respect to any communication the attorney or physician 7051

receives from the client or patient in that attorney-client or 7052
physician-patient relationship, and the attorney or physician 7053
shall make a report pursuant to division (A)(1) of this section 7054
with respect to that communication, if all of the following apply: 7055

(a) The client or patient, at the time of the communication, 7056
is either a child under eighteen years of age or a mentally 7057
retarded, developmentally disabled, or physically impaired person 7058
under twenty-one years of age. 7059

(b) The attorney or physician knows, or has reasonable cause 7060
to suspect based on facts that would cause a reasonable person in 7061
similar position to suspect, as a result of the communication or 7062
any observations made during that communication, that the client 7063
or patient has suffered or faces a threat of suffering any 7064
physical or mental wound, injury, disability, or condition of a 7065
nature that reasonably indicates abuse or neglect of the client or 7066
patient. 7067

(c) The abuse or neglect does not arise out of the client's 7068
or patient's attempt to have an abortion without the notification 7069
of her parents, guardian, or custodian in accordance with section 7070
2151.85 of the Revised Code. 7071

(4)(a) No cleric and no person, other than a volunteer, 7072
designated by any church, religious society, or faith acting as a 7073
leader, official, or delegate on behalf of the church, religious 7074
society, or faith who is acting in an official or professional 7075
capacity, who knows, or has reasonable cause to believe based on 7076
facts that would cause a reasonable person in a similar position 7077
to believe, that a child under eighteen years of age or a mentally 7078
retarded, developmentally disabled, or physically impaired child 7079
under twenty-one years of age has suffered or faces a threat of 7080
suffering any physical or mental wound, injury, disability, or 7081
condition of a nature that reasonably indicates abuse or neglect 7082
of the child, and who knows, or has reasonable cause to believe 7083

based on facts that would cause a reasonable person in a similar 7084
position to believe, that another cleric or another person, other 7085
than a volunteer, designated by a church, religious society, or 7086
faith acting as a leader, official, or delegate on behalf of the 7087
church, religious society, or faith caused, or poses the threat of 7088
causing, the wound, injury, disability, or condition that 7089
reasonably indicates abuse or neglect shall fail to immediately 7090
report that knowledge or reasonable cause to believe to the entity 7091
or persons specified in this division. Except as provided in 7092
section 5120.173 of the Revised Code, the person making the report 7093
shall make it to the public children services agency or a 7094
municipal or county peace officer in the county in which the child 7095
resides or in which the abuse or neglect is occurring or has 7096
occurred. In the circumstances described in section 5120.173 of 7097
the Revised Code, the person making the report shall make it to 7098
the entity specified in that section. 7099

(b) Except as provided in division (A)(4)(c) of this section, 7100
a cleric is not required to make a report pursuant to division 7101
(A)(4)(a) of this section concerning any communication the cleric 7102
receives from a penitent in a cleric-penitent relationship, if, in 7103
accordance with division (C) of section 2317.02 of the Revised 7104
Code, the cleric could not testify with respect to that 7105
communication in a civil or criminal proceeding. 7106

(c) The penitent in a cleric-penitent relationship described 7107
in division (A)(4)(b) of this section is deemed to have waived any 7108
testimonial privilege under division (C) of section 2317.02 of the 7109
Revised Code with respect to any communication the cleric receives 7110
from the penitent in that cleric-penitent relationship, and the 7111
cleric shall make a report pursuant to division (A)(4)(a) of this 7112
section with respect to that communication, if all of the 7113
following apply: 7114

(i) The penitent, at the time of the communication, is either 7115

a child under eighteen years of age or a mentally retarded, 7116
developmentally disabled, or physically impaired person under 7117
twenty-one years of age. 7118

(ii) The cleric knows, or has reasonable cause to believe 7119
based on facts that would cause a reasonable person in a similar 7120
position to believe, as a result of the communication or any 7121
observations made during that communication, the penitent has 7122
suffered or faces a threat of suffering any physical or mental 7123
wound, injury, disability, or condition of a nature that 7124
reasonably indicates abuse or neglect of the penitent. 7125

(iii) The abuse or neglect does not arise out of the 7126
penitent's attempt to have an abortion performed upon a child 7127
under eighteen years of age or upon a mentally retarded, 7128
developmentally disabled, or physically impaired person under 7129
twenty-one years of age without the notification of her parents, 7130
guardian, or custodian in accordance with section 2151.85 of the 7131
Revised Code. 7132

(d) Divisions (A)(4)(a) and (c) of this section do not apply 7133
in a cleric-penitent relationship when the disclosure of any 7134
communication the cleric receives from the penitent is in 7135
violation of the sacred trust. 7136

(e) As used in divisions (A)(1) and (4) of this section, 7137
"cleric" and "sacred trust" have the same meanings as in section 7138
2317.02 of the Revised Code. 7139

(B) Anyone who knows, or has reasonable cause to suspect 7140
based on facts that would cause a reasonable person in similar 7141
circumstances to suspect, that a child under eighteen years of age 7142
or a mentally retarded, developmentally disabled, or physically 7143
impaired person under twenty-one years of age has suffered or 7144
faces a threat of suffering any physical or mental wound, injury, 7145
disability, or other condition of a nature that reasonably 7146

indicates abuse or neglect of the child may report or cause 7147
reports to be made of that knowledge or reasonable cause to 7148
suspect to the entity or persons specified in this division. 7149
Except as provided in section 5120.173 of the Revised Code, a 7150
person making a report or causing a report to be made under this 7151
division shall make it or cause it to be made to the public 7152
children services agency or to a municipal or county peace 7153
officer. In the circumstances described in section 5120.173 of the 7154
Revised Code, a person making a report or causing a report to be 7155
made under this division shall make it or cause it to be made to 7156
the entity specified in that section. 7157

(C) Any report made pursuant to division (A) or (B) of this 7158
section shall be made forthwith either by telephone or in person 7159
and shall be followed by a written report, if requested by the 7160
receiving agency or officer. The written report shall contain: 7161

(1) The names and addresses of the child and the child's 7162
parents or the person or persons having custody of the child, if 7163
known; 7164

(2) The child's age and the nature and extent of the child's 7165
injuries, abuse, or neglect that is known or reasonably suspected 7166
or believed, as applicable, to have occurred or of the threat of 7167
injury, abuse, or neglect that is known or reasonably suspected or 7168
believed, as applicable, to exist, including any evidence of 7169
previous injuries, abuse, or neglect; 7170

(3) Any other information that might be helpful in 7171
establishing the cause of the injury, abuse, or neglect that is 7172
known or reasonably suspected or believed, as applicable, to have 7173
occurred or of the threat of injury, abuse, or neglect that is 7174
known or reasonably suspected or believed, as applicable, to 7175
exist. 7176

Any person, who is required by division (A) of this section 7177

to report child abuse or child neglect that is known or reasonably 7178
suspected or believed to have occurred, may take or cause to be 7179
taken color photographs of areas of trauma visible on a child and, 7180
if medically indicated, cause to be performed radiological 7181
examinations of the child. 7182

(D) As used in this division, "children's advocacy center" 7183
and "sexual abuse of a child" have the same meanings as in section 7184
2151.425 of the Revised Code. 7185

(1) When a municipal or county peace officer receives a 7186
report concerning the possible abuse or neglect of a child or the 7187
possible threat of abuse or neglect of a child, upon receipt of 7188
the report, the municipal or county peace officer who receives the 7189
report shall refer the report to the appropriate public children 7190
services agency. 7191

(2) When a public children services agency receives a report 7192
pursuant to this division or division (A) or (B) of this section, 7193
upon receipt of the report, the public children services agency 7194
shall do both of the following: 7195

(a) Comply with section 2151.422 of the Revised Code; 7196

(b) If the county served by the agency is also served by a 7197
children's advocacy center and the report alleges sexual abuse of 7198
a child or another type of abuse of a child that is specified in 7199
the memorandum of understanding that creates the center as being 7200
within the center's jurisdiction, comply regarding the report with 7201
the protocol and procedures for referrals and investigations, with 7202
the coordinating activities, and with the authority or 7203
responsibility for performing or providing functions, activities, 7204
and services stipulated in the interagency agreement entered into 7205
under section 2151.428 of the Revised Code relative to that 7206
center. 7207

(E) No township, municipal, or county peace officer shall 7208

remove a child about whom a report is made pursuant to this 7209
section from the child's parents, stepparents, or guardian or any 7210
other persons having custody of the child without consultation 7211
with the public children services agency, unless, in the judgment 7212
of the officer, and, if the report was made by physician, the 7213
physician, immediate removal is considered essential to protect 7214
the child from further abuse or neglect. The agency that must be 7215
consulted shall be the agency conducting the investigation of the 7216
report as determined pursuant to section 2151.422 of the Revised 7217
Code. 7218

(F)(1) Except as provided in section 2151.422 of the Revised 7219
Code or in an interagency agreement entered into under section 7220
2151.428 of the Revised Code that applies to the particular 7221
report, the public children services agency shall investigate, 7222
within twenty-four hours, each report of child abuse or child 7223
neglect that is known or reasonably suspected or believed to have 7224
occurred and of a threat of child abuse or child neglect that is 7225
known or reasonably suspected or believed to exist that is 7226
referred to it under this section to determine the circumstances 7227
surrounding the injuries, abuse, or neglect or the threat of 7228
injury, abuse, or neglect, the cause of the injuries, abuse, 7229
neglect, or threat, and the person or persons responsible. The 7230
investigation shall be made in cooperation with the law 7231
enforcement agency and in accordance with the memorandum of 7232
understanding prepared under division (J) of this section. A 7233
representative of the public children services agency shall, at 7234
the time of initial contact with the person subject to the 7235
investigation, inform the person of the specific complaints or 7236
allegations made against the person. The information shall be 7237
given in a manner that is consistent with division (H)(1) of this 7238
section and protects the rights of the person making the report 7239
under this section. 7240

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

(2) The public children services agency shall make any recommendations to the county prosecuting attorney or city director of law that it considers necessary to protect any children that are brought to its attention.

(G)(1)(a) Except as provided in division (H)(3) of this section, anyone or any hospital, institution, school, health department, or agency participating in the making of reports under division (A) of this section, anyone or any hospital, institution, school, health department, or agency participating in good faith in the making of reports under division (B) of this section, and anyone participating in good faith in a judicial proceeding resulting from the reports, shall be immune from any civil or criminal liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of the making of the reports or the participation in the judicial proceeding.

(b) Notwithstanding section 4731.22 of the Revised Code, the physician-patient privilege shall not be a ground for excluding evidence regarding a child's injuries, abuse, or neglect, or the cause of the injuries, abuse, or neglect in any judicial

proceeding resulting from a report submitted pursuant to this 7273
section. 7274

(2) In any civil or criminal action or proceeding in which it 7275
is alleged and proved that participation in the making of a report 7276
under this section was not in good faith or participation in a 7277
judicial proceeding resulting from a report made under this 7278
section was not in good faith, the court shall award the 7279
prevailing party reasonable attorney's fees and costs and, if a 7280
civil action or proceeding is voluntarily dismissed, may award 7281
reasonable attorney's fees and costs to the party against whom the 7282
civil action or proceeding is brought. 7283

(H)(1) Except as provided in divisions (H)(4) and (N) of this 7284
section, a report made under this section is confidential. The 7285
information provided in a report made pursuant to this section and 7286
the name of the person who made the report shall not be released 7287
for use, and shall not be used, as evidence in any civil action or 7288
proceeding brought against the person who made the report. Nothing 7289
in this division shall preclude the use of reports of other 7290
incidents of known or suspected abuse or neglect in a civil action 7291
or proceeding brought pursuant to division (M) of this section 7292
against a person who is alleged to have violated division (A)(1) 7293
of this section, provided that any information in a report that 7294
would identify the child who is the subject of the report or the 7295
maker of the report, if the maker of the report is not the 7296
defendant or an agent or employee of the defendant, has been 7297
redacted. In a criminal proceeding, the report is admissible in 7298
evidence in accordance with the Rules of Evidence and is subject 7299
to discovery in accordance with the Rules of Criminal Procedure. 7300

(2) No person shall permit or encourage the unauthorized 7301
dissemination of the contents of any report made under this 7302
section. 7303

(3) A person who knowingly makes or causes another person to 7304

make a false report under division (B) of this section that 7305
alleges that any person has committed an act or omission that 7306
resulted in a child being an abused child or a neglected child is 7307
guilty of a violation of section 2921.14 of the Revised Code. 7308

(4) If a report is made pursuant to division (A) or (B) of 7309
this section and the child who is the subject of the report dies 7310
for any reason at any time after the report is made, but before 7311
the child attains eighteen years of age, the public children 7312
services agency or municipal or county peace officer to which the 7313
report was made or referred, on the request of the child fatality 7314
review board, shall submit a summary sheet of information 7315
providing a summary of the report to the review board of the 7316
county in which the deceased child resided at the time of death. 7317
On the request of the review board, the agency or peace officer 7318
may, at its discretion, make the report available to the review 7319
board. If the county served by the public children services agency 7320
is also served by a children's advocacy center and the report of 7321
alleged sexual abuse of a child or another type of abuse of a 7322
child is specified in the memorandum of understanding that creates 7323
the center as being within the center's jurisdiction, the agency 7324
or center shall perform the duties and functions specified in this 7325
division in accordance with the interagency agreement entered into 7326
under section 2151.428 of the Revised Code relative to that 7327
advocacy center. 7328

(5) A public children services agency shall advise a person 7329
alleged to have inflicted abuse or neglect on a child who is the 7330
subject of a report made pursuant to this section, including a 7331
report alleging sexual abuse of a child or another type of abuse 7332
of a child referred to a children's advocacy center pursuant to an 7333
interagency agreement entered into under section 2151.428 of the 7334
Revised Code, in writing of the disposition of the investigation. 7335
The agency shall not provide to the person any information that 7336

identifies the person who made the report, statements of 7337
witnesses, or police or other investigative reports. 7338

(I) Any report that is required by this section, other than a 7339
report that is made to the state highway patrol as described in 7340
section 5120.173 of the Revised Code, shall result in protective 7341
services and emergency supportive services being made available by 7342
the public children services agency on behalf of the children 7343
about whom the report is made, in an effort to prevent further 7344
neglect or abuse, to enhance their welfare, and, whenever 7345
possible, to preserve the family unit intact. The agency required 7346
to provide the services shall be the agency conducting the 7347
investigation of the report pursuant to section 2151.422 of the 7348
Revised Code. 7349

(J)(1) Each public children services agency shall prepare a 7350
memorandum of understanding that is signed by all of the 7351
following: 7352

(a) If there is only one juvenile judge in the county, the 7353
juvenile judge of the county or the juvenile judge's 7354
representative; 7355

(b) If there is more than one juvenile judge in the county, a 7356
juvenile judge or the juvenile judges' representative selected by 7357
the juvenile judges or, if they are unable to do so for any 7358
reason, the juvenile judge who is senior in point of service or 7359
the senior juvenile judge's representative; 7360

(c) The county peace officer; 7361

(d) All chief municipal peace officers within the county; 7362

(e) Other law enforcement officers handling child abuse and 7363
neglect cases in the county; 7364

(f) The prosecuting attorney of the county; 7365

(g) If the public children services agency is not the county 7366

department of job and family services, the county department of 7367
job and family services; 7368

(h) The county humane society; 7369

(i) If the public children services agency participated in 7370
the execution of a memorandum of understanding under section 7371
2151.426 of the Revised Code establishing a children's advocacy 7372
center, each participating member of the children's advocacy 7373
center established by the memorandum. 7374

(2) A memorandum of understanding shall set forth the normal 7375
operating procedure to be employed by all concerned officials in 7376
the execution of their respective responsibilities under this 7377
section and division (C) of section 2919.21, division (B)(1) of 7378
section 2919.22, division (B) of section 2919.23, and section 7379
2919.24 of the Revised Code and shall have as two of its primary 7380
goals the elimination of all unnecessary interviews of children 7381
who are the subject of reports made pursuant to division (A) or 7382
(B) of this section and, when feasible, providing for only one 7383
interview of a child who is the subject of any report made 7384
pursuant to division (A) or (B) of this section. A failure to 7385
follow the procedure set forth in the memorandum by the concerned 7386
officials is not grounds for, and shall not result in, the 7387
dismissal of any charges or complaint arising from any reported 7388
case of abuse or neglect or the suppression of any evidence 7389
obtained as a result of any reported child abuse or child neglect 7390
and does not give, and shall not be construed as giving, any 7391
rights or any grounds for appeal or post-conviction relief to any 7392
person. 7393

(3) A memorandum of understanding shall include all of the 7394
following: 7395

(a) The roles and responsibilities for handling emergency and 7396
nonemergency cases of abuse and neglect; 7397

(b) Standards and procedures to be used in handling and 7398
coordinating investigations of reported cases of child abuse and 7399
reported cases of child neglect, methods to be used in 7400
interviewing the child who is the subject of the report and who 7401
allegedly was abused or neglected, and standards and procedures 7402
addressing the categories of persons who may interview the child 7403
who is the subject of the report and who allegedly was abused or 7404
neglected. 7405

(4) If a public children services agency participated in the 7406
execution of a memorandum of understanding under section 2151.426 7407
of the Revised Code establishing a children's advocacy center, the 7408
agency shall incorporate the contents of that memorandum in the 7409
memorandum prepared pursuant to this section. 7410

(5) The clerk of the court of common pleas in the county may 7411
sign the memorandum of understanding prepared under division 7412
(J)(1) of this section. If the clerk signs the memorandum of 7413
understanding, the clerk shall execute all relevant 7414
responsibilities as required of officials specified in the 7415
memorandum. 7416

(K)(1) Except as provided in division (K)(4) of this section, 7417
a person who is required to make a report pursuant to division (A) 7418
of this section may make a reasonable number of requests of the 7419
public children services agency that receives or is referred the 7420
report, or of the children's advocacy center that is referred the 7421
report if the report is referred to a children's advocacy center 7422
pursuant to an interagency agreement entered into under section 7423
2151.428 of the Revised Code, to be provided with the following 7424
information: 7425

(a) Whether the agency or center has initiated an 7426
investigation of the report; 7427

(b) Whether the agency or center is continuing to investigate 7428

the report; 7429

(c) Whether the agency or center is otherwise involved with 7430
the child who is the subject of the report; 7431

(d) The general status of the health and safety of the child 7432
who is the subject of the report; 7433

(e) Whether the report has resulted in the filing of a 7434
complaint in juvenile court or of criminal charges in another 7435
court. 7436

(2) A person may request the information specified in 7437
division (K)(1) of this section only if, at the time the report is 7438
made, the person's name, address, and telephone number are 7439
provided to the person who receives the report. 7440

When a municipal or county peace officer or employee of a 7441
public children services agency receives a report pursuant to 7442
division (A) or (B) of this section the recipient of the report 7443
shall inform the person of the right to request the information 7444
described in division (K)(1) of this section. The recipient of the 7445
report shall include in the initial child abuse or child neglect 7446
report that the person making the report was so informed and, if 7447
provided at the time of the making of the report, shall include 7448
the person's name, address, and telephone number in the report. 7449

Each request is subject to verification of the identity of 7450
the person making the report. If that person's identity is 7451
verified, the agency shall provide the person with the information 7452
described in division (K)(1) of this section a reasonable number 7453
of times, except that the agency shall not disclose any 7454
confidential information regarding the child who is the subject of 7455
the report other than the information described in those 7456
divisions. 7457

(3) A request made pursuant to division (K)(1) of this 7458
section is not a substitute for any report required to be made 7459

pursuant to division (A) of this section. 7460

(4) If an agency other than the agency that received or was 7461
referred the report is conducting the investigation of the report 7462
pursuant to section 2151.422 of the Revised Code, the agency 7463
conducting the investigation shall comply with the requirements of 7464
division (K) of this section. 7465

(L) The director of job and family services shall adopt rules 7466
in accordance with Chapter 119. of the Revised Code to implement 7467
this section. The department of job and family services may enter 7468
into a plan of cooperation with any other governmental entity to 7469
aid in ensuring that children are protected from abuse and 7470
neglect. The department shall make recommendations to the attorney 7471
general that the department determines are necessary to protect 7472
children from child abuse and child neglect. 7473

(M) Whoever violates division (A) of this section is liable 7474
for compensatory and exemplary damages to the child who would have 7475
been the subject of the report that was not made. A person who 7476
brings a civil action or proceeding pursuant to this division 7477
against a person who is alleged to have violated division (A)(1) 7478
of this section may use in the action or proceeding reports of 7479
other incidents of known or suspected abuse or neglect, provided 7480
that any information in a report that would identify the child who 7481
is the subject of the report or the maker of the report, if the 7482
maker is not the defendant or an agent or employee of the 7483
defendant, has been redacted. 7484

(N)(1) As used in this division: 7485

(a) "Out-of-home care" includes a nonchartered nonpublic 7486
school if the alleged child abuse or child neglect, or alleged 7487
threat of child abuse or child neglect, described in a report 7488
received by a public children services agency allegedly occurred 7489
in or involved the nonchartered nonpublic school and the alleged 7490

perpetrator named in the report holds a certificate, permit, or 7491
license issued by the state board of education under section 7492
3301.071 or Chapter 3319. of the Revised Code. 7493

(b) "Administrator, director, or other chief administrative 7494
officer" means the superintendent of the school district if the 7495
out-of-home care entity subject to a report made pursuant to this 7496
section is a school operated by the district. 7497

(2) No later than the end of the day following the day on 7498
which a public children services agency receives a report of 7499
alleged child abuse or child neglect, or a report of an alleged 7500
threat of child abuse or child neglect, that allegedly occurred in 7501
or involved an out-of-home care entity, the agency shall provide 7502
written notice of the allegations contained in and the person 7503
named as the alleged perpetrator in the report to the 7504
administrator, director, or other chief administrative officer of 7505
the out-of-home care entity that is the subject of the report 7506
unless the administrator, director, or other chief administrative 7507
officer is named as an alleged perpetrator in the report. If the 7508
administrator, director, or other chief administrative officer of 7509
an out-of-home care entity is named as an alleged perpetrator in a 7510
report of alleged child abuse or child neglect, or a report of an 7511
alleged threat of child abuse or child neglect, that allegedly 7512
occurred in or involved the out-of-home care entity, the agency 7513
shall provide the written notice to the owner or governing board 7514
of the out-of-home care entity that is the subject of the report. 7515
The agency shall not provide witness statements or police or other 7516
investigative reports. 7517

(3) No later than three days after the day on which a public 7518
children services agency that conducted the investigation as 7519
determined pursuant to section 2151.422 of the Revised Code makes 7520
a disposition of an investigation involving a report of alleged 7521
child abuse or child neglect, or a report of an alleged threat of 7522

child abuse or child neglect, that allegedly occurred in or 7523
involved an out-of-home care entity, the agency shall send written 7524
notice of the disposition of the investigation to the 7525
administrator, director, or other chief administrative officer and 7526
the owner or governing board of the out-of-home care entity. The 7527
agency shall not provide witness statements or police or other 7528
investigative reports. 7529

(O) As used in this section, "investigation" means the public 7530
children services agency's response to an accepted report of child 7531
abuse or neglect through either an alternative response or a 7532
traditional response. 7533

Sec. 2152.19. (A) If a child is adjudicated a delinquent 7534
child, the court may make any of the following orders of 7535
disposition, in addition to any other disposition authorized or 7536
required by this chapter: 7537

(1) Any order that is authorized by section 2151.353 of the 7538
Revised Code for the care and protection of an abused, neglected, 7539
or dependent child; 7540

(2) Commit the child to the temporary custody of any school, 7541
camp, institution, or other facility operated for the care of 7542
delinquent children by the county, by a district organized under 7543
section 2152.41 or 2151.65 of the Revised Code, or by a private 7544
agency or organization, within or without the state, that is 7545
authorized and qualified to provide the care, treatment, or 7546
placement required, including, but not limited to, a school, camp, 7547
or facility operated under section 2151.65 of the Revised Code; 7548

(3) Place the child in a detention facility or district 7549
detention facility operated under section 2152.41 of the Revised 7550
Code, for up to ninety days; 7551

(4) Place the child on community control under any sanctions, 7552

services, and conditions that the court prescribes. As a condition 7553
of community control in every case and in addition to any other 7554
condition that it imposes upon the child, the court shall require 7555
the child to abide by the law during the period of community 7556
control. As referred to in this division, community control 7557
includes, but is not limited to, the following sanctions and 7558
conditions: 7559

(a) A period of basic probation supervision in which the 7560
child is required to maintain contact with a person appointed to 7561
supervise the child in accordance with sanctions imposed by the 7562
court; 7563

(b) A period of intensive probation supervision in which the 7564
child is required to maintain frequent contact with a person 7565
appointed by the court to supervise the child while the child is 7566
seeking or maintaining employment and participating in training, 7567
education, and treatment programs as the order of disposition; 7568

(c) A period of day reporting in which the child is required 7569
each day to report to and leave a center or another approved 7570
reporting location at specified times in order to participate in 7571
work, education or training, treatment, and other approved 7572
programs at the center or outside the center; 7573

(d) A period of community service of up to five hundred hours 7574
for an act that would be a felony or a misdemeanor of the first 7575
degree if committed by an adult, up to two hundred hours for an 7576
act that would be a misdemeanor of the second, third, or fourth 7577
degree if committed by an adult, or up to thirty hours for an act 7578
that would be a minor misdemeanor if committed by an adult; 7579

(e) A requirement that the child obtain a high school 7580
diploma, a certificate of high school equivalence, vocational 7581
training, or employment; 7582

(f) A period of drug and alcohol use monitoring; 7583

(g) A requirement of alcohol or drug assessment or 7584
counseling, or a period in an alcohol or drug treatment program 7585
with a level of security for the child as determined necessary by 7586
the court; 7587

(h) A period in which the court orders the child to observe a 7588
curfew that may involve daytime or evening hours; 7589

(i) A requirement that the child serve monitored time; 7590

(j) A period of house arrest without electronic monitoring or 7591
continuous alcohol monitoring; 7592

(k) A period of electronic monitoring or continuous alcohol 7593
monitoring without house arrest, or house arrest with electronic 7594
monitoring or continuous alcohol monitoring or both electronic 7595
monitoring and continuous alcohol monitoring, that does not exceed 7596
the maximum sentence of imprisonment that could be imposed upon an 7597
adult who commits the same act. 7598

A period of house arrest with electronic monitoring or 7599
continuous alcohol monitoring or both electronic monitoring and 7600
continuous alcohol monitoring, imposed under this division shall 7601
not extend beyond the child's twenty-first birthday. If a court 7602
imposes a period of house arrest with electronic monitoring or 7603
continuous alcohol monitoring or both electronic monitoring and 7604
continuous alcohol monitoring, upon a child under this division, 7605
it shall require the child: to remain in the child's home or other 7606
specified premises for the entire period of house arrest with 7607
electronic monitoring or continuous alcohol monitoring or both 7608
except when the court permits the child to leave those premises to 7609
go to school or to other specified premises. Regarding electronic 7610
monitoring, the court also shall require the child to be monitored 7611
by a central system that can determine the child's location at 7612
designated times; to report periodically to a person designated by 7613
the court; and to enter into a written contract with the court 7614

agreeing to comply with all requirements imposed by the court, 7615
agreeing to pay any fee imposed by the court for the costs of the 7616
house arrest with electronic monitoring, and agreeing to waive the 7617
right to receive credit for any time served on house arrest with 7618
electronic monitoring toward the period of any other dispositional 7619
order imposed upon the child if the child violates any of the 7620
requirements of the dispositional order of house arrest with 7621
electronic monitoring. The court also may impose other reasonable 7622
requirements upon the child. 7623

Unless ordered by the court, a child shall not receive credit 7624
for any time served on house arrest with electronic monitoring or 7625
continuous alcohol monitoring or both toward any other 7626
dispositional order imposed upon the child for the act for which 7627
was imposed the dispositional order of house arrest with 7628
electronic monitoring or continuous alcohol monitoring. As used in 7629
this division and division (A)(4)(1) of this section, "continuous 7630
alcohol monitoring" has the same meaning as in section 2929.01 of 7631
the Revised Code. 7632

(1) A suspension of the driver's license, probationary 7633
driver's license, or temporary instruction permit issued to the 7634
child for a period of time prescribed by the court, or a 7635
suspension of the registration of all motor vehicles registered in 7636
the name of the child for a period of time prescribed by the 7637
court. A child whose license or permit is so suspended is 7638
ineligible for issuance of a license or permit during the period 7639
of suspension. At the end of the period of suspension, the child 7640
shall not be reissued a license or permit until the child has paid 7641
any applicable reinstatement fee and complied with all 7642
requirements governing license reinstatement. 7643

(5) Commit the child to the custody of the court; 7644

(6) Require the child to not be absent without legitimate 7645
excuse from the public school the child is supposed to attend for 7646

five or more consecutive days, seven or more school days in one 7647
school month, or twelve or more school days in a school year; 7648

(7)(a) If a child is adjudicated a delinquent child for being 7649
a chronic truant or a habitual truant who previously has been 7650
adjudicated an unruly child for being a habitual truant, do either 7651
or both of the following: 7652

(i) Require the child to participate in a truancy prevention 7653
mediation program; 7654

(ii) Make any order of disposition as authorized by this 7655
section, except that the court shall not commit the child to a 7656
facility described in division (A)(2) or (3) of this section 7657
unless the court determines that the child violated a lawful court 7658
order made pursuant to division (C)(1)(e) of section 2151.354 of 7659
the Revised Code or division (A)(6) of this section. 7660

(b) If a child is adjudicated a delinquent child for being a 7661
chronic truant or a habitual truant who previously has been 7662
adjudicated an unruly child for being a habitual truant and the 7663
court determines that the parent, guardian, or other person having 7664
care of the child has failed to cause the child's attendance at 7665
school in violation of section 3321.38 of the Revised Code, do 7666
either or both of the following: 7667

(i) Require the parent, guardian, or other person having care 7668
of the child to participate in a truancy prevention mediation 7669
program; 7670

(ii) Require the parent, guardian, or other person having 7671
care of the child to participate in any community service program, 7672
preferably a community service program that requires the 7673
involvement of the parent, guardian, or other person having care 7674
of the child in the school attended by the child. 7675

(8) Make any further disposition that the court finds proper, 7676
except that the child shall not be placed in ~~any of the following~~; 7677

~~(a) A a state correctional institution, a county, 7678
multicounty, or municipal jail or workhouse, or another place in 7679
which an adult convicted of a crime, under arrest, or charged with 7680
a crime is held; 7681~~

~~(b) A community corrections facility, if the child would be 7682
covered by the definition of public safety beds for purposes of 7683
sections 5139.41 to 5139.43 of the Revised Code if the court 7684
exercised its authority to commit the child to the legal custody 7685
of the department of youth services for institutionalization or 7686
institutionalization in a secure facility pursuant to this 7687
chapter. 7688~~

(B) If a child is adjudicated a delinquent child, in addition 7689
to any order of disposition made under division (A) of this 7690
section, the court, in the following situations and for the 7691
specified periods of time, shall suspend the child's temporary 7692
instruction permit, restricted license, probationary driver's 7693
license, or nonresident operating privilege, or suspend the 7694
child's ability to obtain such a permit: 7695

(1) If the child is adjudicated a delinquent child for 7696
violating section 2923.122 of the Revised Code, impose a class 7697
four suspension of the child's license, permit, or privilege from 7698
the range specified in division (A)(4) of section 4510.02 of the 7699
Revised Code or deny the child the issuance of a license or permit 7700
in accordance with division (F)(1) of section 2923.122 of the 7701
Revised Code. 7702

(2) If the child is adjudicated a delinquent child for 7703
committing an act that if committed by an adult would be a drug 7704
abuse offense or for violating division (B) of section 2917.11 of 7705
the Revised Code, suspend the child's license, permit, or 7706
privilege for a period of time prescribed by the court. The court, 7707
in its discretion, may terminate the suspension if the child 7708
attends and satisfactorily completes a drug abuse or alcohol abuse 7709

education, intervention, or treatment program specified by the 7710
court. During the time the child is attending a program described 7711
in this division, the court shall retain the child's temporary 7712
instruction permit, probationary driver's license, or driver's 7713
license, and the court shall return the permit or license if it 7714
terminates the suspension as described in this division. 7715

(C) The court may establish a victim-offender mediation 7716
program in which victims and their offenders meet to discuss the 7717
offense and suggest possible restitution. If the court obtains the 7718
assent of the victim of the delinquent act committed by the child, 7719
the court may require the child to participate in the program. 7720

(D)(1) If a child is adjudicated a delinquent child for 7721
committing an act that would be a felony if committed by an adult 7722
and if the child caused, attempted to cause, threatened to cause, 7723
or created a risk of physical harm to the victim of the act, the 7724
court, prior to issuing an order of disposition under this 7725
section, shall order the preparation of a victim impact statement 7726
by the probation department of the county in which the victim of 7727
the act resides, by the court's own probation department, or by a 7728
victim assistance program that is operated by the state, a county, 7729
a municipal corporation, or another governmental entity. The court 7730
shall consider the victim impact statement in determining the 7731
order of disposition to issue for the child. 7732

(2) Each victim impact statement shall identify the victim of 7733
the act for which the child was adjudicated a delinquent child, 7734
itemize any economic loss suffered by the victim as a result of 7735
the act, identify any physical injury suffered by the victim as a 7736
result of the act and the seriousness and permanence of the 7737
injury, identify any change in the victim's personal welfare or 7738
familial relationships as a result of the act and any 7739
psychological impact experienced by the victim or the victim's 7740
family as a result of the act, and contain any other information 7741

related to the impact of the act upon the victim that the court 7742
requires. 7743

(3) A victim impact statement shall be kept confidential and 7744
is not a public record. However, the court may furnish copies of 7745
the statement to the department of youth services if the 7746
delinquent child is committed to the department or to both the 7747
adjudicated delinquent child or the adjudicated delinquent child's 7748
counsel and the prosecuting attorney. The copy of a victim impact 7749
statement furnished by the court to the department pursuant to 7750
this section shall be kept confidential and is not a public 7751
record. If an officer is preparing pursuant to section 2947.06 or 7752
2951.03 of the Revised Code or Criminal Rule 32.2a presentence 7753
investigation report pertaining to a person, the court shall make 7754
available to the officer, for use in preparing the report, a copy 7755
of any victim impact statement regarding that person. The copies 7756
of a victim impact statement that are made available to the 7757
adjudicated delinquent child or the adjudicated delinquent child's 7758
counsel and the prosecuting attorney pursuant to this division 7759
shall be returned to the court by the person to whom they were 7760
made available immediately following the imposition of an order of 7761
disposition for the child under this chapter. 7762

The copy of a victim impact statement that is made available 7763
pursuant to this division to an officer preparing a criminal 7764
presentence investigation report shall be returned to the court by 7765
the officer immediately following its use in preparing the report. 7766

(4) The department of youth services shall work with local 7767
probation departments and victim assistance programs to develop a 7768
standard victim impact statement. 7769

(E) If a child is adjudicated a delinquent child for being a 7770
chronic truant or a habitual truant who previously has been 7771
adjudicated an unruly child for being a habitual truant and the 7772
court determines that the parent, guardian, or other person having 7773

care of the child has failed to cause the child's attendance at 7774
school in violation of section 3321.38 of the Revised Code, in 7775
addition to any order of disposition it makes under this section, 7776
the court shall warn the parent, guardian, or other person having 7777
care of the child that any subsequent adjudication of the child as 7778
an unruly or delinquent child for being a habitual or chronic 7779
truant may result in a criminal charge against the parent, 7780
guardian, or other person having care of the child for a violation 7781
of division (C) of section 2919.21 or section 2919.24 of the 7782
Revised Code. 7783

(F)(1) During the period of a delinquent child's community 7784
control granted under this section, authorized probation officers 7785
who are engaged within the scope of their supervisory duties or 7786
responsibilities may search, with or without a warrant, the person 7787
of the delinquent child, the place of residence of the delinquent 7788
child, and a motor vehicle, another item of tangible or intangible 7789
personal property, or other real property in which the delinquent 7790
child has a right, title, or interest or for which the delinquent 7791
child has the express or implied permission of a person with a 7792
right, title, or interest to use, occupy, or possess if the 7793
probation officers have reasonable grounds to believe that the 7794
delinquent child is not abiding by the law or otherwise is not 7795
complying with the conditions of the delinquent child's community 7796
control. The court that places a delinquent child on community 7797
control under this section shall provide the delinquent child with 7798
a written notice that informs the delinquent child that authorized 7799
probation officers who are engaged within the scope of their 7800
supervisory duties or responsibilities may conduct those types of 7801
searches during the period of community control if they have 7802
reasonable grounds to believe that the delinquent child is not 7803
abiding by the law or otherwise is not complying with the 7804
conditions of the delinquent child's community control. The court 7805
also shall provide the written notice described in division (E)(2) 7806

of this section to each parent, guardian, or custodian of the 7807
delinquent child who is described in that division. 7808

(2) The court that places a child on community control under 7809
this section shall provide the child's parent, guardian, or other 7810
custodian with a written notice that informs them that authorized 7811
probation officers may conduct searches pursuant to division 7812
(E)(1) of this section. The notice shall specifically state that a 7813
permissible search might extend to a motor vehicle, another item 7814
of tangible or intangible personal property, or a place of 7815
residence or other real property in which a notified parent, 7816
guardian, or custodian has a right, title, or interest and that 7817
the parent, guardian, or custodian expressly or impliedly permits 7818
the child to use, occupy, or possess. 7819

(G) If a juvenile court commits a delinquent child to the 7820
custody of any person, organization, or entity pursuant to this 7821
section and if the delinquent act for which the child is so 7822
committed is a sexually oriented offense or is a child-victim 7823
oriented offense, the court in the order of disposition shall do 7824
one of the following: 7825

(1) Require that the child be provided treatment as described 7826
in division (A)(2) of section 5139.13 of the Revised Code; 7827

(2) Inform the person, organization, or entity that it is the 7828
preferred course of action in this state that the child be 7829
provided treatment as described in division (A)(2) of section 7830
5139.13 of the Revised Code and encourage the person, 7831
organization, or entity to provide that treatment. 7832

Sec. 2305.09. Except as provided for in division (C) of this 7833
section, an action for any of the following causes shall be 7834
brought within four years after the cause thereof accrued: 7835

(A) For trespassing upon real property; 7836

(B) For the recovery of personal property, or for taking or
detaining it; 7837
7838

(C) For relief on the ground of fraud, except when the cause
of action is a violation of section 2913.49 of the Revised Code, 7839
7840
in which case the action shall be brought within five years after 7841
the cause thereof accrued; 7842

(D) For an injury to the rights of the plaintiff not arising 7843
on contract nor enumerated in sections 1304.35, 2305.10 to 7844
2305.12, and 2305.14 of the Revised Code; 7845

(E) For relief on the grounds of a physical or regulatory 7846
taking of real property. 7847

If the action is for trespassing under ground or injury to 7848
mines, or for the wrongful taking of personal property, the causes 7849
thereof shall not accrue until the wrongdoer is discovered; nor, 7850
if it is for fraud, until the fraud is discovered. 7851

An action for professional negligence against a registered 7852
surveyor shall be commenced within four years after the completion 7853
of the engagement on which the cause of action is based. 7854

Sec. 2710.06. (A) Except as provided in division (B) of this 7855
section and section 3109.052 of the Revised Code, a mediator shall 7856
not make a report, assessment, evaluation, recommendation, 7857
finding, or other communication regarding a mediation to a court, 7858
department, agency, or officer of this state or its political 7859
subdivisions that may make a ruling on the dispute that is the 7860
subject of the mediation. 7861

(B) A mediator may disclose any of the following: 7862

(1) Whether the mediation occurred or has terminated, whether 7863
a settlement was reached, and attendance; 7864

(2) A mediation communication as permitted by section ~~2710.07~~ 7865
2710.05 of the Revised Code; 7866

(3) A mediation communication evidencing abuse, neglect, 7867
abandonment, or exploitation of an individual to a public agency 7868
responsible for protecting individuals against abuse, neglect, 7869
abandonment, or exploitation. 7870

(C) A communication made in violation of division (A) of this 7871
section shall not be considered by a court, administrative agency, 7872
or arbitrator. 7873

Sec. 2743.191. (A)(1) There is hereby created in the state 7874
treasury the reparations fund, which shall be used only for the 7875
following purposes: 7876

(a) The payment of awards of reparations that are granted by 7877
the attorney general; 7878

(b) The compensation of any personnel needed by the attorney 7879
general to administer sections 2743.51 to 2743.72 of the Revised 7880
Code; 7881

(c) The compensation of witnesses as provided in division (J) 7882
of section 2743.65 of the Revised Code; 7883

(d) Other administrative costs of hearing and determining 7884
claims for an award of reparations by the attorney general; 7885

(e) The costs of administering sections 2907.28 and 2969.01 7886
to 2969.06 of the Revised Code; 7887

(f) The costs of investigation and decision-making as 7888
certified by the attorney general; 7889

(g) The provision of state financial assistance to victim 7890
assistance programs in accordance with sections 109.91 and 109.92 7891
of the Revised Code; 7892

(h) The costs of paying the expenses of sex offense-related 7893
examinations ~~and~~, antibiotics, and HIV post-exposure prophylaxis 7894
pursuant to section 2907.28 of the Revised Code; 7895

(i) The cost of printing and distributing the pamphlet 7896
prepared by the attorney general pursuant to section 109.42 of the 7897
Revised Code; 7898

(j) Subject to division (D) of section 2743.71 of the Revised 7899
Code, the costs associated with the printing and providing of 7900
information cards or other printed materials to law enforcement 7901
agencies and prosecuting authorities and with publicizing the 7902
availability of awards of reparations pursuant to section 2743.71 7903
of the Revised Code; 7904

(k) The payment of costs of administering a DNA specimen 7905
collection procedure pursuant to sections 2152.74 and 2901.07 of 7906
the Revised Code, of performing DNA analysis of those DNA 7907
specimens, and of entering the resulting DNA records regarding 7908
those analyses into the DNA database pursuant to section 109.573 7909
of the Revised Code; 7910

(l) The payment of actual costs associated with initiatives 7911
by the attorney general for the apprehension, prosecution, and 7912
accountability of offenders, and the enhancing of services to 7913
crime victims. The amount of payments made pursuant to division 7914
(A)(1)(1) of this section during any given fiscal year shall not 7915
exceed five per cent of the balance of the reparations fund at the 7916
close of the immediately previous fiscal year; 7917

(m) The costs of administering the adult parole authority's 7918
supervision pursuant to division (E) of section 2971.05 of the 7919
Revised Code of sexually violent predators who are sentenced to a 7920
prison term pursuant to division (A)(3) of section 2971.03 of the 7921
Revised Code and of offenders who are sentenced to a prison term 7922
pursuant to division (B)(1)(a), (b), or (c), (B)(2)(a), (b), or 7923
(c), or (B)(3)(a), (b), (c), or (d) of that section; 7924

(n) Subject to the limit set forth in those sections, the 7925
costs of the installation and monitoring of an electronic 7926

monitoring device used in the monitoring of a respondent pursuant 7927
to an electronic monitoring order issued by a court under division 7928
(E)(1)(b) of section 2151.34 or division (E)(1)(b) of section 7929
2903.214 of the Revised Code if the court determines that the 7930
respondent is indigent or used in the monitoring of an offender 7931
pursuant to an electronic monitoring order issued under division 7932
(B)(5) of section 2919.27 of the Revised Code if the court 7933
determines that the offender is indigent. 7934

(2) All costs paid pursuant to section 2743.70 of the Revised 7935
Code, the portions of license reinstatement fees mandated by 7936
division (F)(2)(b) of section 4511.191 of the Revised Code to be 7937
credited to the fund, the portions of the proceeds of the sale of 7938
a forfeited vehicle specified in division (C)(2) of section 7939
4503.234 of the Revised Code, payments collected by the department 7940
of rehabilitation and correction from prisoners who voluntarily 7941
participate in an approved work and training program pursuant to 7942
division (C)(8)(b)(ii) of section 5145.16 of the Revised Code, and 7943
all moneys collected by the state pursuant to its right of 7944
subrogation provided in section 2743.72 of the Revised Code shall 7945
be deposited in the fund. 7946

(B) In making an award of reparations, the attorney general 7947
shall render the award against the state. The award shall be 7948
accomplished only through the following procedure, and the 7949
following procedure may be enforced by writ of mandamus directed 7950
to the appropriate official: 7951

(1) The attorney general shall provide for payment of the 7952
claimant or providers in the amount of the award only if the 7953
amount of the award is fifty dollars or more. 7954

(2) The expense shall be charged against all available 7955
unencumbered moneys in the fund. 7956

(3) If sufficient unencumbered moneys do not exist in the 7957

fund, the attorney general shall make application for payment of 7958
the award out of the emergency purposes account or any other 7959
appropriation for emergencies or contingencies, and payment out of 7960
this account or other appropriation shall be authorized if there 7961
are sufficient moneys greater than the sum total of then pending 7962
emergency purposes account requests or requests for releases from 7963
the other appropriations. 7964

(4) If sufficient moneys do not exist in the account or any 7965
other appropriation for emergencies or contingencies to pay the 7966
award, the attorney general shall request the general assembly to 7967
make an appropriation sufficient to pay the award, and no payment 7968
shall be made until the appropriation has been made. The attorney 7969
general shall make this appropriation request during the current 7970
biennium and during each succeeding biennium until a sufficient 7971
appropriation is made. If, prior to the time that an appropriation 7972
is made by the general assembly pursuant to this division, the 7973
fund has sufficient unencumbered funds to pay the award or part of 7974
the award, the available funds shall be used to pay the award or 7975
part of the award, and the appropriation request shall be amended 7976
to request only sufficient funds to pay that part of the award 7977
that is unpaid. 7978

(C) The attorney general shall not make payment on a decision 7979
or order granting an award until all appeals have been determined 7980
and all rights to appeal exhausted, except as otherwise provided 7981
in this section. If any party to a claim for an award of 7982
reparations appeals from only a portion of an award, and a 7983
remaining portion provides for the payment of money by the state, 7984
that part of the award calling for the payment of money by the 7985
state and not a subject of the appeal shall be processed for 7986
payment as described in this section. 7987

(D) The attorney general shall prepare itemized bills for the 7988
costs of printing and distributing the pamphlet the attorney 7989

general prepares pursuant to section 109.42 of the Revised Code. 7990
The itemized bills shall set forth the name and address of the 7991
persons owed the amounts set forth in them. 7992

(E) As used in this section, "DNA analysis" and "DNA 7993
specimen" have the same meanings as in section 109.573 of the 7994
Revised Code. 7995

Sec. 2907.28. (A) Any cost incurred by a hospital or 7996
emergency medical facility in conducting a medical examination of 7997
a victim of an offense under any provision of sections 2907.02 to 7998
2907.06 of the Revised Code for the purpose of gathering physical 7999
evidence for a possible prosecution, including the cost of any 8000
antibiotics administered as part of the examination and the cost 8001
of HIV post-exposure prophylaxis provided as part of the 8002
examination, shall be paid out of the reparations fund established 8003
pursuant to section 2743.191 of the Revised Code, subject to the 8004
following conditions: 8005

(1) The hospital or emergency facility shall follow a 8006
protocol for conducting such medical examinations that is 8007
identified by the attorney general in rule adopted in accordance 8008
with Chapter 119. of the Revised Code. 8009

(2) The hospital or emergency facility shall submit requests 8010
for payment to the attorney general on a monthly basis, through a 8011
procedure determined by the attorney general and on forms approved 8012
by the attorney general. The requests shall identify the number of 8013
sexual assault examinations performed and the number of sexual 8014
assault examinations in which HIV post-exposure prophylaxis was 8015
provided and shall verify that all required protocols were met for 8016
each examination form submitted for payment in the request. 8017

(3) The attorney general shall review all requests for 8018
payment that are submitted under division (A)(2) of this section 8019
and shall submit for payment as described in division (A)(5) of 8020

this section all requests that meet the requirements of this 8021
section. 8022

(4)(a) The hospital or emergency facility shall accept a flat 8023
fee payment for conducting each examination in the amount 8024
determined by the attorney general pursuant to Chapter 119. of the 8025
Revised Code as payment in full for any cost incurred in 8026
conducting a medical examination and test of a victim of an 8027
offense under any provision of sections 2907.02 to 2907.06 of the 8028
Revised Code for the purpose of gathering physical evidence for a 8029
possible prosecution of a person, other than the cost of providing 8030
HIV post-exposure prophylaxis. The attorney general shall 8031
determine a flat fee payment amount to be paid under this division 8032
that is reasonable. 8033

(b) The hospital or emergency facility shall accept a flat 8034
fee payment for providing HIV post-exposure prophylaxis in the 8035
amount determined by the attorney general pursuant to Chapter 119. 8036
of the Revised Code as payment in full for any cost incurred in 8037
providing HIV post-exposure prophylaxis while conducting a medical 8038
examination and test of a victim of an offense under any provision 8039
of sections 2907.02 to 2907.06 of the Revised Code for the purpose 8040
of gathering physical evidence for a possible prosecution of a 8041
person. The attorney general shall determine a reasonable flat fee 8042
payment amount to be paid under this division. 8043

(5) In approving a payment under this section, the attorney 8044
general shall order the payment against the state. The payment 8045
shall be accomplished only through the following procedure, and 8046
the procedure may be enforced through a mandamus action and a writ 8047
of mandamus directed to the appropriate official: 8048

(a) The attorney general shall provide for payment in the 8049
amount set forth in the order. 8050

(b) The expense of the payment of the amount described in 8051

this section shall be charged against all available unencumbered 8052
moneys in the reparations fund. 8053

(B) No costs incurred by a hospital or emergency facility in 8054
conducting a medical examination and test of any victim of an 8055
offense under any provision of sections 2907.02 to 2907.06 of the 8056
Revised Code for the purpose of gathering physical evidence for a 8057
possible prosecution of a person shall be billed or charged 8058
directly or indirectly to the victim or the victim's insurer. 8059

(C) Any cost incurred by a hospital or emergency medical 8060
facility in conducting a medical examination and test of any 8061
person who is charged with a violation of division (B) of section 8062
2903.11 or of section 2907.02, 2907.03, 2907.04, 2907.05, 2907.24, 8063
2907.241, or 2907.25 of the Revised Code or with a violation of a 8064
municipal ordinance that is substantially equivalent to that 8065
division or any of those sections, pursuant to division (B) of 8066
section 2907.27 of the Revised Code, shall be charged to and paid 8067
by the accused who undergoes the examination and test, unless the 8068
court determines that the accused is unable to pay, in which case 8069
the cost shall be charged to and paid by the municipal corporation 8070
in which the offense allegedly was committed, or charged to and 8071
paid by the county if the offense allegedly was committed within 8072
an unincorporated area. If separate counts of an alleged offense 8073
or alleged separate offenses under section 2907.02, 2907.03, 8074
2907.04, 2907.05, 2907.24, 2907.241, or 2907.25 of the Revised 8075
Code or under a municipal ordinance that is substantially 8076
equivalent to any of those sections took place in more than one 8077
municipal corporation or more than one unincorporated area, or 8078
both, the local governments shall share the cost of the 8079
examination and test. If a hospital or other emergency medical 8080
facility has submitted charges for the cost of a medical 8081
examination and test to an accused and has been unable to collect 8082
payment for the charges after making good faith attempts to 8083

collect for a period of six months or more, the cost shall be 8084
charged to and paid by the appropriate municipal corporation or 8085
county as specified in division (C) of this section. 8086

(D) As used in this section: 8087

(1) "AIDS" and "HIV" have the same meanings as in section 8088
3701.24 of the Revised Code. 8089

(2) "HIV post-exposure prophylaxis" means the administration 8090
of medicines to prevent AIDS or HIV infection following exposure 8091
to HIV. 8092

Sec. 2915.08. (A)(1) Annually before the first day of 8093
January, a charitable organization that desires to conduct bingo, 8094
instant bingo at a bingo session, or instant bingo other than at a 8095
bingo session shall make out, upon a form to be furnished by the 8096
attorney general for that purpose, an application for a license to 8097
conduct bingo, instant bingo at a bingo session, or instant bingo 8098
other than at a bingo session and deliver that application to the 8099
attorney general together with a license fee as follows: 8100

(a) Except as otherwise provided in this division, for a 8101
license for the conduct of bingo, two hundred dollars; 8102

(b) For a license for the conduct of instant bingo at a bingo 8103
session or instant bingo other than at a bingo session for a 8104
charitable organization that previously has not been licensed 8105
under this chapter to conduct instant bingo at a bingo session or 8106
instant bingo other than at a bingo session, a license fee of five 8107
hundred dollars, and for any other charitable organization, a 8108
license fee that is based upon the gross profits received by the 8109
charitable organization from the operation of instant bingo at a 8110
bingo session or instant bingo other than at a bingo session, 8111
during the one-year period ending on the thirty-first day of 8112
October of the year immediately preceding the year for which the 8113

license is sought, and that is one of the following:	8114
(i) Five hundred dollars, if the total is fifty thousand dollars or less;	8115 8116
(ii) One thousand two hundred fifty dollars plus one-fourth per cent of the gross profit, if the total is more than fifty thousand dollars but less than two hundred fifty thousand one dollars;	8117 8118 8119 8120
(iii) Two thousand two hundred fifty dollars plus one-half per cent of the gross profit, if the total is more than two hundred fifty thousand dollars but less than five hundred thousand one dollars;	8121 8122 8123 8124
(iv) Three thousand five hundred dollars plus one per cent of the gross profit, if the total is more than five hundred thousand dollars but less than one million one dollars;	8125 8126 8127
(v) Five thousand dollars plus one per cent of the gross profit, if the total is one million one dollars or more;	8128 8129
(c) A reduced license fee established by the attorney general pursuant to division (G) of this section.	8130 8131
(d) For a license to conduct bingo for a charitable organization that prior to July 1, 2003, has not been licensed under this chapter to conduct bingo, instant bingo at a bingo session, or instant bingo other than at a bingo session, a license fee established by rule by the attorney general in accordance with division (H) of this section.	8132 8133 8134 8135 8136 8137
(2) The application shall be in the form prescribed by the attorney general, shall be signed and sworn to by the applicant, and shall contain all of the following:	8138 8139 8140
(a) The name and post-office address of the applicant;	8141
(b) A statement that the applicant is a charitable organization and that it has been in continuous existence as a	8142 8143

charitable organization in this state for two years immediately 8144
preceding the making of the application; 8145

(c) The location at which the organization will conduct 8146
bingo, which location shall be within the county in which the 8147
principal place of business of the applicant is located, the days 8148
of the week and the times on each of those days when bingo will be 8149
conducted, whether the organization owns, leases, or subleases the 8150
premises, and a copy of the rental agreement if it leases or 8151
subleases the premises; 8152

(d) A statement of the applicant's previous history, record, 8153
and association that is sufficient to establish that the applicant 8154
is a charitable organization, and a copy of a determination letter 8155
that is issued by the Internal Revenue Service and states that the 8156
organization is tax exempt under subsection 501(a) and described 8157
in subsection 501(c)(3), 501(c)(4), 501(c)(7), 501(c)(8), 8158
501(c)(10), or 501(c)(19) of the Internal Revenue Code; 8159

(e) A statement as to whether the applicant has ever had any 8160
previous application refused, whether it previously has had a 8161
license revoked or suspended, and the reason stated by the 8162
attorney general for the refusal, revocation, or suspension; 8163

(f) A statement of the charitable purposes for which the net 8164
profit derived from bingo, other than instant bingo, will be used, 8165
and a statement of how the net profit derived from instant bingo 8166
will be distributed in accordance with section 2915.101 of the 8167
Revised Code; 8168

(g) Other necessary and reasonable information that the 8169
attorney general may require by rule adopted pursuant to section 8170
111.15 of the Revised Code; 8171

(h) If the applicant is a charitable trust as defined in 8172
section 109.23 of the Revised Code, a statement as to whether it 8173
has registered with the attorney general pursuant to section 8174

109.26 of the Revised Code or filed annual reports pursuant to 8175
section 109.31 of the Revised Code, and, if it is not required to 8176
do either, the exemption in section 109.26 or 109.31 of the 8177
Revised Code that applies to it; 8178

(i) If the applicant is a charitable organization as defined 8179
in section 1716.01 of the Revised Code, a statement as to whether 8180
it has filed with the attorney general a registration statement 8181
pursuant to section 1716.02 of the Revised Code and a financial 8182
report pursuant to section 1716.04 of the Revised Code, and, if it 8183
is not required to do both, the exemption in section 1716.03 of 8184
the Revised Code that applies to it; 8185

(j) In the case of an applicant seeking to qualify as a youth 8186
athletic park organization, a statement issued by a board or body 8187
vested with authority under Chapter 755. of the Revised Code for 8188
the supervision and maintenance of recreation facilities in the 8189
territory in which the organization is located, certifying that 8190
the playing fields owned by the organization were used for at 8191
least one hundred days during the year in which the statement is 8192
issued, and were open for use to all residents of that territory, 8193
regardless of race, color, creed, religion, sex, or national 8194
origin, for athletic activities by youth athletic organizations 8195
that do not discriminate on the basis of race, color, creed, 8196
religion, sex, or national origin, and that the fields were not 8197
used for any profit-making activity at any time during the year. 8198
That type of board or body is authorized to issue the statement 8199
upon request and shall issue the statement if it finds that the 8200
applicant's playing fields were so used. 8201

(3) The attorney general, within thirty days after receiving 8202
a timely filed application from a charitable organization that has 8203
been issued a license under this section that has not expired and 8204
has not been revoked or suspended, shall send a temporary permit 8205
to the applicant specifying the date on which the application was 8206

filed with the attorney general and stating that, pursuant to 8207
section 119.06 of the Revised Code, the applicant may continue to 8208
conduct bingo until a new license is granted or, if the 8209
application is rejected, until fifteen days after notice of the 8210
rejection is mailed to the applicant. The temporary permit does 8211
not affect the validity of the applicant's application and does 8212
not grant any rights to the applicant except those rights 8213
specifically granted in section 119.06 of the Revised Code. The 8214
issuance of a temporary permit by the attorney general pursuant to 8215
this division does not prohibit the attorney general from 8216
rejecting the applicant's application because of acts that the 8217
applicant committed, or actions that the applicant failed to take, 8218
before or after the issuance of the temporary permit. 8219

(4) Within thirty days after receiving an initial license 8220
application from a charitable organization to conduct bingo, 8221
instant bingo at a bingo session, or instant bingo other than at a 8222
bingo session, the attorney general shall conduct a preliminary 8223
review of the application and notify the applicant regarding any 8224
deficiencies. Once an application is deemed complete, or beginning 8225
on the thirtieth day after the application is filed, if the 8226
attorney general failed to notify the applicant of any 8227
deficiencies, the attorney general shall have an additional sixty 8228
days to conduct an investigation and either grant or deny the 8229
application based on findings established and communicated in 8230
accordance with divisions (B) and (E) of this section. As an 8231
option to granting or denying an initial license application, the 8232
attorney general may grant a temporary license and request 8233
additional time to conduct the investigation if the attorney 8234
general has cause to believe that additional time is necessary to 8235
complete the investigation and has notified the applicant in 8236
writing about the specific concerns raised during the 8237
investigation. 8238

(B)(1) The attorney general shall adopt rules to enforce 8239
sections 2915.01, 2915.02, and 2915.07 to 2915.13 of the Revised 8240
Code to ensure that bingo or instant bingo is conducted in 8241
accordance with those sections and to maintain proper control over 8242
the conduct of bingo or instant bingo. The rules, except rules 8243
adopted pursuant to divisions (A)(2)(g) and (G) of this section, 8244
shall be adopted pursuant to Chapter 119. of the Revised Code. The 8245
attorney general shall license charitable organizations to conduct 8246
bingo, instant bingo at a bingo session, or instant bingo other 8247
than at a bingo session in conformance with this chapter and with 8248
the licensing provisions of Chapter 119. of the Revised Code. 8249

(2) The attorney general may refuse to grant a license to any 8250
organization, or revoke or suspend the license of any 8251
organization, that does any of the following or to which any of 8252
the following applies: 8253

(a) Fails or has failed at any time to meet any requirement 8254
of section 109.26, 109.31, or 1716.02, or sections 2915.07 to 8255
2915.11 of the Revised Code, or violates or has violated any 8256
provision of sections 2915.02 or 2915.07 to 2915.13 of the Revised 8257
Code or any rule adopted by the attorney general pursuant to this 8258
section; 8259

(b) Makes or has made an incorrect or false statement that is 8260
material to the granting of the license in an application filed 8261
pursuant to division (A) of this section; 8262

(c) Submits or has submitted any incorrect or false 8263
information relating to an application if the information is 8264
material to the granting of the license; 8265

(d) Maintains or has maintained any incorrect or false 8266
information that is material to the granting of the license in the 8267
records required to be kept pursuant to divisions (A) and (C) of 8268
section 2915.10 of the Revised Code, if applicable; 8269

(e) The attorney general has good cause to believe that the organization will not conduct bingo, instant bingo at a bingo session, or instant bingo other than at a bingo session in accordance with sections 2915.07 to 2915.13 of the Revised Code or with any rule adopted by the attorney general pursuant to this section.

(3) For the purposes of division (B) of this section, any action of an officer, trustee, agent, representative, or bingo game operator of an organization is an action of the organization.

(C) The attorney general may grant licenses to charitable organizations that are branches, lodges, or chapters of national charitable organizations.

(D) The attorney general shall send notice in writing to the prosecuting attorney and sheriff of the county in which the organization will conduct bingo, instant bingo at a bingo session, or instant bingo other than at a bingo session, as stated in its application for a license or amended license, and to any other law enforcement agency in that county that so requests, of all of the following:

(1) The issuance of the license;

(2) The issuance of the amended license;

(3) The rejection of an application for and refusal to grant a license;

(4) The revocation of any license previously issued;

(5) The suspension of any license previously issued.

(E) A license issued by the attorney general shall set forth the information contained on the application of the charitable organization that the attorney general determines is relevant, including, but not limited to, the location at which the organization will conduct bingo, instant bingo at a bingo session,

or instant bingo other than at a bingo session and the days of the 8300
week and the times on each of those days when bingo will be 8301
conducted. If the attorney general refuses to grant or revokes or 8302
suspends a license, the attorney general shall notify the 8303
applicant in writing and specifically identify the reason for the 8304
refusal, revocation, or suspension in narrative form and, if 8305
applicable, by identifying the section of the Revised Code 8306
violated. The failure of the attorney general to give the written 8307
notice of the reasons for the refusal, revocation, or suspension 8308
or a mistake in the written notice does not affect the validity of 8309
the attorney general's refusal to grant, or the revocation or 8310
suspension of, a license. If the attorney general fails to give 8311
the written notice or if there is a mistake in the written notice, 8312
the applicant may bring an action to compel the attorney general 8313
to comply with this division or to correct the mistake, but the 8314
attorney general's order refusing to grant, or revoking or 8315
suspending, a license shall not be enjoined during the pendency of 8316
the action. 8317

(F) A charitable organization that has been issued a license 8318
pursuant to division (B) of this section but that cannot conduct 8319
bingo or instant bingo at the location, or on the day of the week 8320
or at the time, specified on the license due to circumstances that 8321
make it impractical to do so, or that desires to conduct instant 8322
bingo other than at a bingo session at additional locations not 8323
identified on the license, may apply in writing, together with an 8324
application fee of two hundred fifty dollars, to the attorney 8325
general, at least thirty days prior to a change in or addition of 8326
a location, day of the week, or time, and request an amended 8327
license. ~~The~~ As applicable, the application shall describe the 8328
causes making it impractical for the organization to conduct bingo 8329
or instant bingo in conformity with its license and shall indicate 8330
the location, days of the week, and times on each of those days 8331
when it desires to conduct bingo or instant bingo and, as 8332

applicable, shall indicate the additional locations at which it 8333
desires to conduct instant bingo other than at a bingo session. 8334

Except as otherwise provided in this division, the attorney 8335
general shall issue the amended license in accordance with 8336
division (E) of this section, and the organization shall surrender 8337
its original license to the attorney general. The attorney general 8338
may refuse to grant an amended license according to the terms of 8339
division (B) of this section. 8340

(G) The attorney general, by rule adopted pursuant to section 8341
111.15 of the Revised Code, shall establish a schedule of reduced 8342
license fees for charitable organizations that desire to conduct 8343
bingo or instant bingo during fewer than twenty-six weeks in any 8344
calendar year. 8345

(H) The attorney general, by rule adopted pursuant to section 8346
111.15 of the Revised Code, shall establish license fees for the 8347
conduct of bingo, instant bingo at a bingo session, or instant 8348
bingo other than at a bingo session for charitable organizations 8349
that prior to July 1, 2003, have not been licensed to conduct 8350
bingo, instant bingo at a bingo session, or instant bingo other 8351
than at a bingo session under this chapter. 8352

(I) The attorney general may enter into a written contract 8353
with any other state agency to delegate to that state agency the 8354
powers prescribed to the attorney general under Chapter 2915. of 8355
the Revised Code. 8356

(J) The attorney general, by rule adopted pursuant to section 8357
111.15 of the Revised Code, may adopt rules to determine the 8358
requirements for a charitable organization that is exempt from 8359
federal income taxation under subsection 501(a) and described in 8360
subsection 501(c)(3) of the Internal Revenue Code to be in good 8361
standing in the state. 8362

Sec. 2929.20. (A) As used in this section: 8363

(1)(a) Except as provided in division (A)(1)(b) of this section, "eligible offender" means any person who, on or after April 7, 2009, is serving a stated prison term that includes one or more nonmandatory prison terms.

(b) "Eligible offender" does not include any person who, on or after April 7, 2009, is serving a stated prison term for any of the following criminal offenses that was a felony and was committed while the person held a public office in this state:

(i) A violation of section 2921.02, 2921.03, 2921.05, 2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised Code;

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 2921.12 of the Revised Code, when the conduct constituting the violation was related to the duties of the offender's public office or to the offender's actions as a public official holding that public office;

(iii) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation listed in division (A)(1)(b)(i) of this section;

(iv) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation listed in division (A)(1)(b)(ii) of this section, when the conduct constituting the violation was related to the duties of the offender's public office or to the offender's actions as a public official holding that public office;

(v) A conspiracy to commit, attempt to commit, or complicity in committing any offense listed in division (A)(1)(b)(i) or described in division (A)(1)(b)(iii) of this section;

(vi) A conspiracy to commit, attempt to commit, or complicity

in committing any offense listed in division (A)(1)(b)(ii) or 8395
described in division (A)(1)(b)(iv) of this section, if the 8396
conduct constituting the offense that was the subject of the 8397
conspiracy, that would have constituted the offense attempted, or 8398
constituting the offense in which the offender was complicit was 8399
or would have been related to the duties of the offender's public 8400
office or to the offender's actions as a public official holding 8401
that public office. 8402

(2) "Nonmandatory prison term" means a prison term that is 8403
not a mandatory prison term. 8404

(3) "Public office" means any elected federal, state, or 8405
local government office in this state. 8406

(4) "Victim's representative" has the same meaning as in 8407
section 2930.01 of the Revised Code. 8408

(B) On the motion of an eligible offender or upon its own 8409
motion, the sentencing court may reduce the eligible offender's 8410
aggregated nonmandatory prison term or terms through a judicial 8411
release under this section. 8412

(C) An eligible offender may file a motion for judicial 8413
release with the sentencing court within the following applicable 8414
periods: 8415

(1) If the aggregated nonmandatory prison term or terms is 8416
less than two years, the eligible offender may file the motion not 8417
earlier than thirty days after the offender is delivered to a 8418
state correctional institution or, if the prison term includes a 8419
mandatory prison term or terms, not earlier than thirty days after 8420
the expiration of all mandatory prison terms. 8421

(2) If the aggregated nonmandatory prison term or terms is at 8422
least two years but less than five years, the eligible offender 8423
may file the motion not earlier than one hundred eighty days after 8424
the offender is delivered to a state correctional institution or, 8425

if the prison term includes a mandatory prison term or terms, not 8426
earlier than one hundred eighty days after the expiration of all 8427
mandatory prison terms. 8428

(3) If the aggregated nonmandatory prison term or terms is 8429
five years, the eligible offender may file the motion not earlier 8430
than four years after the eligible offender is delivered to a 8431
state correctional institution or, if the prison term includes a 8432
mandatory prison term or terms, not earlier than four years after 8433
the expiration of all mandatory prison terms. 8434

(4) If the aggregated nonmandatory prison term or terms is 8435
more than five years but not more than ten years, the eligible 8436
offender may file the motion not earlier than five years after the 8437
eligible offender is delivered to a state correctional institution 8438
or, if the prison term includes a mandatory prison term or terms, 8439
not earlier than five years after the expiration of all mandatory 8440
prison terms. 8441

(5) If the aggregated nonmandatory prison term or terms is 8442
more than ten years, the eligible offender may file the motion not 8443
earlier than the later of the date on which the offender has 8444
served one-half of the offender's stated prison term or the date 8445
specified in division (C)(4) of this section. 8446

(D) Upon receipt of a timely motion for judicial release 8447
filed by an eligible offender under division (C) of this section 8448
or upon the sentencing court's own motion made within the 8449
appropriate time specified in that division, the court may deny 8450
the motion without a hearing or schedule a hearing on the motion. 8451
The court shall not grant the motion without a hearing. If a court 8452
denies a motion without a hearing, the court later may consider 8453
judicial release for that eligible offender on a subsequent motion 8454
filed by that eligible offender ~~unless the court denies the motion~~ 8455
~~with prejudice. If a court denies a motion with prejudice, the~~ 8456
~~court may later consider judicial release~~ or on its own motion. If 8457

a court denies a motion after a hearing, the court shall not 8458
consider a more than one subsequent motion for that eligible 8459
offender. The court shall not hold ~~only one hearing~~ more than two 8460
hearings for any eligible offender. 8461

A hearing under this section shall be conducted in open court 8462
not less than thirty or more than sixty days after the motion is 8463
filed, provided that the court may delay the hearing for one 8464
hundred eighty additional days. If the court holds a hearing, the 8465
court shall enter a ruling on the motion within ten days after the 8466
hearing. If the court denies the motion without a hearing, the 8467
court shall enter its ruling on the motion within sixty days after 8468
the motion is filed. 8469

(E) If a court schedules a hearing under division (D) of this 8470
section, the court shall notify the eligible offender and the head 8471
of the state correctional institution in which the eligible 8472
offender is confined prior to the hearing. The head of the state 8473
correctional institution immediately shall notify the appropriate 8474
person at the department of rehabilitation and correction of the 8475
hearing, and the department within twenty-four hours after receipt 8476
of the notice, shall post on the database it maintains pursuant to 8477
section 5120.66 of the Revised Code the offender's name and all of 8478
the information specified in division (A)(1)(c)(i) of that 8479
section. If the court schedules a hearing for judicial release, 8480
the court promptly shall give notice of the hearing to the 8481
prosecuting attorney of the county in which the eligible offender 8482
was indicted. Upon receipt of the notice from the court, the 8483
prosecuting attorney shall do whichever of the following is 8484
applicable: 8485

(1) Subject to division (E)(2) of this section, notify the 8486
victim of the offense or the victim's representative pursuant to 8487
division (B) of section 2930.16 of the Revised Code; 8488

(2) If the offense was an offense of violence that is a 8489

felony of the first, second, or third degree, except as otherwise 8490
provided in this division, notify the victim or the victim's 8491
representative of the hearing regardless of whether the victim or 8492
victim's representative has requested the notification. The notice 8493
of the hearing shall not be given under this division to a victim 8494
or victim's representative if the victim or victim's 8495
representative has requested pursuant to division (B)(2) of 8496
section 2930.03 of the Revised Code that the victim or the 8497
victim's representative not be provided the notice. If notice is 8498
to be provided to a victim or victim's representative under this 8499
division, the prosecuting attorney may give the notice by any 8500
reasonable means, including regular mail, telephone, and 8501
electronic mail, in accordance with division (D)(1) of section 8502
2930.16 of the Revised Code. If the notice is based on an offense 8503
committed prior to ~~the effective date of this amendment~~ March 22, 8504
2013, the notice also shall include the opt-out information 8505
described in division (D)(1) of section 2930.16 of the Revised 8506
Code. The prosecuting attorney, in accordance with division (D)(2) 8507
of section 2930.16 of the Revised Code, shall keep a record of all 8508
attempts to provide the notice, and of all notices provided, under 8509
this division. Division (E)(2) of this section, and the 8510
notice-related provisions of division (K) of this section, 8511
division (D)(1) of section 2930.16, division (H) of section 8512
2967.12, division (E)(1)(b) of section 2967.19, division (A)(3)(b) 8513
of section 2967.26, division (D)(1) of section 2967.28, and 8514
division (A)(2) of section 5149.101 of the Revised Code enacted in 8515
the act in which division (E)(2) of this section was enacted, 8516
shall be known as "Roberta's Law." 8517

(F) Upon an offender's successful completion of 8518
rehabilitative activities, the head of the state correctional 8519
institution may notify the sentencing court of the successful 8520
completion of the activities. 8521

(G) Prior to the date of the hearing on a motion for judicial 8522
release under this section, the head of the state correctional 8523
institution in which the eligible offender is confined shall send 8524
to the court an institutional summary report on the eligible 8525
offender's conduct in the institution and in any institution from 8526
which the eligible offender may have been transferred. Upon the 8527
request of the prosecuting attorney of the county in which the 8528
eligible offender was indicted or of any law enforcement agency, 8529
the head of the state correctional institution, at the same time 8530
the person sends the institutional summary report to the court, 8531
also shall send a copy of the report to the requesting prosecuting 8532
attorney and law enforcement agencies. The institutional summary 8533
report shall cover the eligible offender's participation in 8534
school, vocational training, work, treatment, and other 8535
rehabilitative activities and any disciplinary action taken 8536
against the eligible offender. The report shall be made part of 8537
the record of the hearing. 8538

(H) If the court grants a hearing on a motion for judicial 8539
release under this section, the eligible offender shall attend the 8540
hearing if ordered to do so by the court. Upon receipt of a copy 8541
of the journal entry containing the order, the head of the state 8542
correctional institution in which the eligible offender is 8543
incarcerated shall deliver the eligible offender to the sheriff of 8544
the county in which the hearing is to be held. The sheriff shall 8545
convey the eligible offender to and from the hearing. 8546

(I) At the hearing on a motion for judicial release under 8547
this section, the court shall afford the eligible offender and the 8548
eligible offender's attorney an opportunity to present written 8549
and, if present, oral information relevant to the motion. The 8550
court shall afford a similar opportunity to the prosecuting 8551
attorney, the victim or the victim's representative, and any other 8552
person the court determines is likely to present additional 8553

relevant information. The court shall consider any statement of a victim made pursuant to section 2930.14 or 2930.17 of the Revised Code, any victim impact statement prepared pursuant to section 2947.051 of the Revised Code, and any report made under division (G) of this section. The court may consider any written statement of any person submitted to the court pursuant to division (L) of this section. After ruling on the motion, the court shall notify the victim of the ruling in accordance with sections 2930.03 and 2930.16 of the Revised Code.

(J)(1) A court shall not grant a judicial release under this section to an eligible offender who is imprisoned for a felony of the first or second degree, or to an eligible offender who committed an offense under Chapter 2925. or 3719. of the Revised Code and for whom there was a presumption under section 2929.13 of the Revised Code in favor of a prison term, unless the court, with reference to factors under section 2929.12 of the Revised Code, finds both of the following:

(a) That a sanction other than a prison term would adequately punish the offender and protect the public from future criminal violations by the eligible offender because the applicable factors indicating a lesser likelihood of recidivism outweigh the applicable factors indicating a greater likelihood of recidivism;

(b) That a sanction other than a prison term would not demean the seriousness of the offense because factors indicating that the eligible offender's conduct in committing the offense was less serious than conduct normally constituting the offense outweigh factors indicating that the eligible offender's conduct was more serious than conduct normally constituting the offense.

(2) A court that grants a judicial release to an eligible offender under division (J)(1) of this section shall specify on the record both findings required in that division and also shall list all the factors described in that division that were

presented at the hearing. 8586

(K) If the court grants a motion for judicial release under 8587
this section, the court shall order the release of the eligible 8588
offender, shall place the eligible offender under an appropriate 8589
community control sanction, under appropriate conditions, and 8590
under the supervision of the department of probation serving the 8591
court and shall reserve the right to reimpose the sentence that it 8592
reduced if the offender violates the sanction. If the court 8593
reimposes the reduced sentence, it may do so either concurrently 8594
with, or consecutive to, any new sentence imposed upon the 8595
eligible offender as a result of the violation that is a new 8596
offense. The period of community control shall be no longer than 8597
five years. The court, in its discretion, may reduce the period of 8598
community control by the amount of time the eligible offender 8599
spent in jail or prison for the offense and in prison. If the 8600
court made any findings pursuant to division (J)(1) of this 8601
section, the court shall serve a copy of the findings upon counsel 8602
for the parties within fifteen days after the date on which the 8603
court grants the motion for judicial release. 8604

If the court grants a motion for judicial release, the court 8605
shall notify the appropriate person at the department of 8606
rehabilitation and correction, and the department shall post 8607
notice of the release on the database it maintains pursuant to 8608
section 5120.66 of the Revised Code. The court also shall notify 8609
the prosecuting attorney of the county in which the eligible 8610
offender was indicted that the motion has been granted. Unless the 8611
victim or the victim's representative has requested pursuant to 8612
division (B)(2) of section 2930.03 of the Revised Code that the 8613
victim or victim's representative not be provided the notice, the 8614
prosecuting attorney shall notify the victim or the victim's 8615
representative of the judicial release in any manner, and in 8616
accordance with the same procedures, pursuant to which the 8617

prosecuting attorney is authorized to provide notice of the 8618
hearing pursuant to division (E)(2) of this section. If the notice 8619
is based on an offense committed prior to ~~the effective date of~~ 8620
~~this amendment~~ March 22, 2013, the notice to the victim or 8621
victim's representative also shall include the opt-out information 8622
described in division (D)(1) of section 2930.16 of the Revised 8623
Code. 8624

(L) In addition to and independent of the right of a victim 8625
to make a statement pursuant to section 2930.14, 2930.17, or 8626
2946.051 of the Revised Code and any right of a person to present 8627
written information or make a statement pursuant to division (I) 8628
of this section, any person may submit to the court, at any time 8629
prior to the hearing on the offender's motion for judicial 8630
release, a written statement concerning the effects of the 8631
offender's crime or crimes, the circumstances surrounding the 8632
crime or crimes, the manner in which the crime or crimes were 8633
perpetrated, and the person's opinion as to whether the offender 8634
should be released. 8635

(M) The changes to this section that are made on September 8636
30, 2011, apply to any judicial release decision made on or after 8637
September 30, 2011, for any eligible offender. 8638

Sec. 2935.012. No peace officer shall issue a citation for, 8639
or arrest any person for, a violation of Title XLV of the Revised 8640
Code if the peace officer does not receive an hourly rate of pay 8641
or a salary from a law enforcement agency. 8642

For purposes of this section, "law enforcement agency" means 8643
an organization or unit made up of peace officers. 8644

Sec. 2945.402. (A) In approving a conditional release, the 8645
trial court may set any conditions on the release with respect to 8646
the treatment, evaluation, counseling, or control of the defendant 8647

or person that the court considers necessary to protect the public 8648
safety and the welfare of the defendant or person. The trial court 8649
may revoke a defendant's or person's conditional release and order 8650
reinstatement of the previous placement or reinstitutionalization 8651
at any time the conditions of the release have not been satisfied, 8652
provided that the revocation shall be in accordance with this 8653
section. 8654

(B) A conditional release is a commitment. The hearings on 8655
continued commitment as described in section 2945.401 of the 8656
Revised Code apply to a defendant or person on conditional 8657
release. 8658

(C) A person, agency, or facility that is assigned to monitor 8659
a defendant or person on conditional release immediately shall 8660
notify the trial court on learning that the defendant or person 8661
being monitored has violated the terms of the conditional release. 8662
Upon learning of any violation of the terms of the conditional 8663
release, the trial court may issue a temporary order of detention 8664
or, if necessary, an arrest warrant for the defendant or person. 8665
Within ten court days after the defendant's or person's detention 8666
or arrest, the trial court shall conduct a hearing to determine 8667
whether the conditional release should be modified or terminated. 8668
At the hearing, the defendant or person shall have the same rights 8669
as are described in division (C) of section 2945.40 of the Revised 8670
Code. The trial court may order a continuance of the ten-court-day 8671
period for no longer than ten days for good cause shown or for any 8672
period on motion of the defendant or person. If the trial court 8673
fails to conduct the hearing within the ten-court-day period and 8674
does not order a continuance in accordance with this division, the 8675
defendant or person shall be restored to the prior conditional 8676
release status. 8677

(D) The trial court shall give all parties reasonable notice 8678
of a hearing conducted under this section. At the hearing, the 8679

prosecutor shall present the case demonstrating that the defendant 8680
or person violated the terms of the conditional release. If the 8681
court finds by a preponderance of the evidence that the defendant 8682
or person violated the terms of the conditional release, the court 8683
may continue, modify, or terminate the conditional release and 8684
shall enter its order accordingly. 8685

(E)(1) If a court approves a conditional release, the court 8686
shall report the approval and information pertaining to the 8687
release to the local law enforcement agency. The local law 8688
enforcement agency shall enter the approval and information into 8689
the national crime information center supervised release file 8690
through the law enforcement automated data system. The information 8691
required by divisions (E)(1)(c) and (d) of this section shall be 8692
entered into the file's miscellaneous field. The information 8693
reported and entered shall include all of the following: 8694

(a) The name of the court providing the information; 8695

(b) The offense or offenses with which the defendant or 8696
person was charged; 8697

(c) Whether the person was found not guilty by reason of 8698
insanity or incompetent to stand trial with no substantial 8699
probability of becoming competent even with a course of treatment; 8700

(d) The reason for the conditional release; 8701

(e) Any other information required for the entry of 8702
information into the national crime information center supervised 8703
release file. 8704

(2) Information entered into the national crime information 8705
center supervised release file pursuant to this section shall 8706
remain in the file until the termination of the conditional 8707
release or commitment. 8708

(3) If a defendant or person about whom information is 8709

entered into the national crime information center supervised 8710
release file pursuant to division (E)(1) of this section has 8711
contact with a law enforcement agency after the information is 8712
entered, the agency shall report the contact to the department of 8713
mental health and addiction services and, if the terms of the 8714
release require the defendant or person to receive mental health 8715
treatment, to the person, office, or agency providing the 8716
treatment. 8717

(4) As used in division (E) of this section, "local law 8718
enforcement agency" means the police department of a municipal 8719
corporation in which the offense with which a releasee was charged 8720
allegedly occurred or, if the offense did not allegedly occur in a 8721
municipal corporation, the sheriff of the county in which the 8722
offense allegedly occurred. 8723

Sec. 3123.89. (A) Subject to section 3770.071 of the Revised 8724
Code, a child support enforcement agency that determines that an 8725
obligor who is the recipient of a lottery prize award is subject 8726
to a final and enforceable determination of default made under 8727
sections 3123.01 to 3123.07 of the Revised Code shall issue an 8728
intercept directive to the director of the state lottery 8729
commission. A copy of this intercept directive shall be sent to 8730
the obligor. 8731

(B) The intercept directive shall require the director or the 8732
director's designee to transmit an amount or amounts from the 8733
proceeds of the specified lottery prize award to the office of 8734
child support in the department of job and family services. The 8735
intercept directive also shall contain all of the following 8736
information: 8737

(1) The name, address, and social security number or taxpayer 8738
identification number of the obligor; 8739

(2) A statement that the obligor has been determined to be in 8740

default under a support order; 8741

(3) The amount of the arrearage owed by the obligor as 8742
determined by the agency. 8743

(C) After receipt of an intercept directive and in accordance 8744
with section 3770.071 of the Revised Code, the director or the 8745
director's designee shall deduct the amount or amounts specified 8746
from the proceeds of the lottery prize award referred to in the 8747
directive and transmit the amounts to the office of child support. 8748

(D) The department of job and family services shall develop 8749
and implement a real time data match program with the state 8750
lottery commission and its lottery sales agents and lottery agents 8751
to identify obligors who are subject to a final and enforceable 8752
determination of default made under sections 3123.01 to 3123.07 of 8753
the Revised Code in accordance with section 3770.071 of the 8754
Revised Code. 8755

(E) Upon the data match program's implementation, the 8756
department, in consultation with the commission, shall promulgate 8757
rules to facilitate withholding, in appropriate circumstances, by 8758
the commission or its lottery sales agents or lottery agents of an 8759
amount sufficient to satisfy any past due support owed by an 8760
obligor from a lottery prize award owed to the obligor up to the 8761
amount of the award. The rules shall describe an expedited method 8762
for withholding, and the time frame for transmission of the amount 8763
withheld to the department. 8764

Sec. 3123.90. (A) As used in this section, "casino facility," 8765
"casino operator," and "management company" have the meanings 8766
defined in section 3772.01 of the Revised Code. 8767

(B) The department of job and family services shall develop 8768
and implement a real time data match program with each casino 8769
facility's casino operator or management company to identify 8770

obligors who are subject to a final and enforceable determination 8771
of default made under sections 3123.01 to 3123.07 of the Revised 8772
Code. 8773

(C) Upon the data match program's implementation, if a 8774
person's winnings at a casino facility are an amount for which 8775
reporting to the internal revenue service of the amount is 8776
required by section 6041 of the Internal Revenue Code, as amended, 8777
the casino operator or management company shall refer to the data 8778
match program to determine if the person entitled to the winnings 8779
is in default under a support order. If the data match program 8780
indicates that the person is in default, the casino operator or 8781
management company shall withhold from the person's winnings an 8782
amount sufficient to satisfy any past due support owed by the 8783
obligor identified in the data match up to the amount of the 8784
winnings. 8785

(D) Not later than seven days after withholding the amount, 8786
the casino operator or management company shall transmit any 8787
amount withheld to the department as payment on the support 8788
obligation. 8789

(E) The department, in consultation with the Ohio casino 8790
control commission, may adopt rules under Chapter 119. of the 8791
Revised Code as are necessary for implementation of this section. 8792

Sec. 3302.15. (A) Notwithstanding anything to the contrary in 8793
Chapter 3301. or 3302. of the Revised Code, the board of education 8794
of a school district may submit to the superintendent of public 8795
instruction a request for a waiver for up to five school years 8796
from administering the state achievement assessments required 8797
under sections 3301.0710 and 3301.0712 of the Revised Code and 8798
related requirements specified under division (C)(2) of this 8799
section. A district that obtains a waiver under this section shall 8800
use the alternative assessment system, as proposed by the district 8801

or school and as approved by the state superintendent, in place of 8802
the assessments required under sections 3301.0710 and 3301.0712 of 8803
the Revised Code. 8804

(B) To be eligible to submit a request for a waiver under 8805
this section, a school district shall be a member of the Ohio 8806
innovation lab network. 8807

(C)(1) A request for a waiver under this section shall 8808
contain the following: 8809

(a) A timeline to develop and implement an alternative 8810
assessment system for the school district; 8811

(b) An overview of the proposed educational programs or 8812
strategies to be offered by the school district; 8813

(c) An overview of the proposed alternative assessment 8814
system, including links to state-accepted and nationally accepted 8815
metrics, assessments, and evaluations; 8816

(d) An overview of planning details that have been 8817
implemented or proposed and any documented support from 8818
educational networks, established educational consultants, state 8819
institutions of higher education as defined under section 3345.011 8820
of the Revised Code, and employers or workforce development 8821
partners; 8822

(e) An overview of the capacity to implement the alternative 8823
assessments, conduct the evaluation of teachers with alternative 8824
assessments, and the reporting of student achievement data with 8825
alternative assessments for the purpose the report card ratings 8826
prescribed under section 3302.03 of the Revised Code, all of which 8827
shall include any prior success in implementing innovative 8828
educational programs or strategies, teaching practices, or 8829
assessment practices; 8830

(f) An acknowledgement by the school district of federal 8831

funding that may be impacted by obtaining a waiver. 8832

(2) The request for a waiver shall indicate the extent to 8833
which exemptions from state or federal requirements regarding the 8834
administration of the assessments required under sections 8835
3301.0710 and 3301.0712 of the Revised Code are sought. Such items 8836
from which a school district may be exempt are as follows: 8837

(a) The required administration of state assessments under 8838
sections 3301.0710 and 3301.0712 of the Revised Code; 8839

(b) The evaluation of teachers and administrators under 8840
sections 3311.80, 3311.84, division (D) of 3319.02, and 3319.111 8841
of the Revised Code; 8842

(c) The reporting of student achievement data for the purpose 8843
of the report card ratings prescribed under section 3302.03 of the 8844
Revised Code. 8845

(D) Each request for a waiver shall include the signature of 8846
all of the following: 8847

(1) The superintendent of the school district; 8848

(2) The president of the district board; 8849

(3) The presiding officer of the labor organization 8850
representing the district's teachers, if any; 8851

(4) If the district's teachers are not represented by a labor 8852
organization, the principal and a majority of the administrators 8853
and teachers of the district. 8854

(E) Not later than thirty days after receiving a request for 8855
a waiver, the state superintendent shall approve or deny the 8856
waiver or may request additional information from the district. 8857
The state superintendent shall not grant waivers to more than ten 8858
school districts. A waiver granted to a school district shall be 8859
contingent on an ongoing review and evaluation by the state 8860
superintendent of the program for which the waiver was granted. 8861

(F)(1) For the purpose of this section, the department of education shall seek a waiver from the testing requirements prescribed under the "No Child Left Behind Act of 2001," if necessary to implement this section. 8862
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(2) The department shall create a mechanism for the comparison of the alternative assessments prescribed under division (C) of this section and the assessments required under sections 3301.0710 and 3301.0712 of the Revised Code as it relates to the evaluation of teachers and student achievement data for the purpose of state report card ratings. 8866
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Sec. 3303.41. (A) There is hereby created the governor's council on people with disabilities. The council shall consist of twenty-one members of which the majority shall be people with disabilities as defined in this section, appointed by the governor for a term of three years except that for initial appointments, seven members shall be appointed for a term of one year, seven members shall be appointed for a term of two years, and seven members shall be appointed for a term of three years. Members may succeed themselves not more than one time. A member shall continue in office subsequent to the expiration of the member's term until the member's successor takes office. 8872
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The governor shall annually 8882
appoint a chairperson who may to serve a two-year term. The 8883
chairperson shall not succeed himself or herself ~~not more than one~~ 8884
time as chairperson. The chairperson shall continue in office 8885
subsequent to the expiration of the chairperson's term until the 8886
chairperson's successor takes office. 8887
Members of the council shall 8888
serve without compensation, but shall be paid the actual and 8889
necessary expenses they incur in the performance of their duties. 8889

(B) The council shall meet at least six times annually at such times and places as may be designated by the chairperson. 8890
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(C) The governor's council on people with disabilities shall 8892

~~be assigned to executive director of the opportunities for Ohioans~~ 8893
~~with disabilities agency for administrative purposes. The~~ 8894
~~executive director of the opportunities for Ohioans with~~ 8895
~~disabilities agency shall assign one~~ provide the council with both 8896
of the following: 8897

(1) One professional staff person ~~to the council~~ to serve as 8898
executive secretary ~~and other personnel as determined advisable of~~ 8899
the council; 8900

(2) Any meeting space, office furniture, and equipment that 8901
are necessary for the council to fulfill its duties. 8902

(D) The council shall have the following powers: 8903

~~(A)~~(1) To cooperate with the president's committee on 8904
employment of the handicapped; 8905

~~(B)~~(2) To cooperate with all employers both public and 8906
private in locating or developing employment opportunities for 8907
people with disabilities; 8908

~~(C)~~(3) To encourage and assist in the creation of committees 8909
at the community level; 8910

~~(D)~~(4) To assist local, state, and federal agencies to 8911
coordinate their activities for the purpose of securing maximum 8912
utilization of funds and efforts that benefit people with 8913
disabilities; 8914

~~(E)~~(5) To encourage cooperation among public and private 8915
employers, unions, and rehabilitation agencies, bureaus, and 8916
organizations both public and private with a specific goal to 8917
facilitate employment of people with disabilities; 8918

~~(F)~~(6) To serve in an advisory capacity to the governor's 8919
office directly and as needed to the general assembly on issues 8920
relating to the needs, problems, and other concerns of people with 8921
disabilities; 8922

~~(G)~~(7) To conduct educational programs to acquaint the public 8923
with the abilities and accomplishments of people with 8924
disabilities; 8925

~~(H)~~(8) To promote the elimination of architectural barriers 8926
to make buildings used by the public accessible and useable by 8927
persons with physical limitations; 8928

~~(I)~~(9) To make such rules as it determines advisable for the 8929
conduct of its own business. 8930

(E) The council shall annually report to the governor on 8931
council activities and on the state of the people of this state 8932
with disabilities. This report may include any recommendations 8933
believed necessary or desirable to carry out the purposes of this 8934
section. 8935

(F) As used in this section, "person with a disability" means 8936
any individual who has a disability or condition that, regardless 8937
of its physical or mental origin, imposes a functional limitation. 8938

(G) It shall be lawful for any public employee or officer to 8939
serve as a member of the council. 8940

Sec. 3313.351. The attorney general may educate school 8941
districts about contracting with any entity that provides students 8942
with account-based access to a web site or an online service, 8943
including electronic mail. 8944

Sec. 3313.372. (A) As used in this section, "energy 8945
conservation measure" means an installation or modification of an 8946
installation in, or remodeling of, a building, to reduce energy 8947
consumption. It includes: 8948

(1) Insulation of the building structure and systems within 8949
the building; 8950

(2) Storm windows and doors, multiglazed windows and doors, 8951

heat absorbing or heat reflective glazed and coated window and	8952
door systems, additional glazing, reductions in glass area, and	8953
other window and door system modifications that reduce energy	8954
consumption;	8955
(3) Automatic energy control systems;	8956
(4) Heating, ventilating, or air conditioning system	8957
modifications or replacements;	8958
(5) Caulking and weatherstripping;	8959
(6) Replacement or modification of lighting fixtures to	8960
increase the energy efficiency of the system without increasing	8961
the overall illumination of a facility, unless such increase in	8962
illumination is necessary to conform to the applicable state or	8963
local building code for the proposed lighting system;	8964
(7) Energy recovery systems;	8965
(8) Cogeneration systems that produce steam or forms of	8966
energy such as heat, as well as electricity, for use primarily	8967
within a building or complex of buildings;	8968
(9) Any other modification, installation, or remodeling	8969
approved by the Ohio school facilities commission as an energy	8970
conservation measure.	8971
(B) A board of education of a city, exempted village, local,	8972
or joint vocational school district may enter into an installment	8973
payment contract for the purchase and installation of energy	8974
conservation measures. The provisions of such installment payment	8975
contracts dealing with interest charges and financing terms shall	8976
not be subject to the competitive bidding requirements of section	8977
3313.46 of the Revised Code, and shall be on the following terms:	8978
(1) Not less than one-fifteenth of the costs thereof shall be	8979
paid within two years from the date of purchase.	8980
(2) The remaining balance of the costs thereof shall be paid	8981

within fifteen years from the date of purchase. 8982

The provisions of any installment payment contract entered 8983
into pursuant to this section shall provide that all payments, 8984
except payments for repairs and obligations on termination of the 8985
contract prior to its expiration, be stated as a percentage of 8986
calculated energy, water, or waste water cost savings, avoided 8987
operating costs, and avoided capital costs attributable to the one 8988
or more measures over a defined period of time. Those payments 8989
shall be made only to the extent that the savings described in 8990
this division actually occur. The ~~contractor~~ energy services 8991
company shall warrant and guarantee that the energy conservation 8992
measures shall realize guaranteed savings and shall be responsible 8993
to pay an amount equal to any savings shortfall. 8994

An installment payment contract entered into by a board of 8995
education under this section shall require the board to contract 8996
in accordance with division (A) of section 3313.46 of the Revised 8997
Code for the installation, modification, or remodeling of energy 8998
conservation measures unless division (A) of section 3313.46 of 8999
the Revised Code does not apply pursuant to division (B)(3) of 9000
that section. 9001

(C) If a board of education determines that a surety bond is 9002
necessary to secure energy, water, or waste water cost savings 9003
guaranteed in a contract entered into by the board of education 9004
under this section, the energy services company shall provide a 9005
surety bond that satisfies all of the following requirements: 9006

(1) The penal sum of the surety bond for the first guarantee 9007
year shall equal the amount of savings included in the annual 9008
guaranteed savings amount that is measured and calculated in 9009
accordance with the measurement and verification plan included in 9010
the contract, but may not include guaranteed savings that are not 9011
measured or that are stipulated in the contract. The annual 9012
guaranteed savings amount shall include only the savings 9013

guaranteed in the contract for the one-year term that begins on 9014
the first day of the first savings guarantee year and may not 9015
include amounts from subsequent years. 9016

(2) The surety bond shall have a term of not more than one 9017
year unless renewed. At the option of the board of education, the 9018
surety bond may be renewed for one or two additional terms, each 9019
term not to exceed one year. The surety bond may not be renewed or 9020
extended so that it is in effect for more than three consecutive 9021
years. 9022

In the event of a renewal, the penal sum of the surety bond 9023
for each renewed year shall be revised so that the penal sum 9024
equals the annual guaranteed savings amount for such renewal year 9025
that is measured and calculated in accordance with the measurement 9026
and verification plan included in the contract, but may not 9027
include guaranteed savings that are not measured or that are 9028
stipulated in the contract. Regardless of the number of renewals 9029
of the bond, the aggregate liability under each renewed bond may 9030
not exceed the penal sum stated in the renewal certificate for the 9031
applicable renewal year. 9032

(3) The surety bond for the first year shall be issued within 9033
thirty days of the commencement of the first savings guarantee 9034
year under the contract. 9035

In the event of renewal, the surety shall deliver to the 9036
board of education a renewal certificate reflecting the revised 9037
penal sum within thirty days of the board of education's request. 9038
The board of education shall deliver the request for renewal not 9039
less than thirty days prior to the expiration date of the surety 9040
bond then in existence. A surety bond furnished pursuant to 9041
section 153.54 of the Revised Code shall not secure obligations 9042
related to energy, water, or waste water cost savings as 9043
referenced in division (C) of this section. 9044

(D) The board may issue the notes of the school district 9045
signed by the president and the treasurer of the board and 9046
specifying the terms of the purchase and securing the deferred 9047
payments provided in this section, payable at the times provided 9048
and bearing interest at a rate not exceeding the rate determined 9049
as provided in section 9.95 of the Revised Code. The notes may 9050
contain an option for prepayment and shall not be subject to 9051
Chapter 133. of the Revised Code. In the resolution authorizing 9052
the notes, the board may provide, without the vote of the electors 9053
of the district, for annually levying and collecting taxes in 9054
amounts sufficient to pay the interest on and retire the notes, 9055
except that the total net indebtedness of the district without a 9056
vote of the electors incurred under this and all other sections of 9057
the Revised Code, except section 3318.052 of the Revised Code, 9058
shall not exceed one per cent of the district's tax valuation. 9059
Revenues derived from local taxes or otherwise, for the purpose of 9060
conserving energy or for defraying the current operating expenses 9061
of the district, may be applied to the payment of interest and the 9062
retirement of such notes. The notes may be sold at private sale or 9063
given to the ~~contractor~~ energy services company under the 9064
installment payment contract authorized by division (B) of this 9065
section. 9066

~~(D)~~(E) Debt incurred under this section shall not be included 9067
in the calculation of the net indebtedness of a school district 9068
under section 133.06 of the Revised Code. 9069

~~(E)~~(F) No school district board shall enter into an 9070
installment payment contract under division (B) of this section 9071
unless it first obtains a report of the costs of the energy 9072
conservation measures and the savings thereof as described under 9073
division (G) of section 133.06 of the Revised Code as a 9074
requirement for issuing energy securities, makes a finding that 9075
the amount spent on such measures is not likely to exceed the 9076

amount of money it would save in energy costs and resultant 9077
operational and maintenance costs as described in that division, 9078
except that that finding shall cover the ensuing fifteen years, 9079
and the Ohio school facilities commission determines that the 9080
district board's findings are reasonable and approves the contract 9081
as described in that division. 9082

The district board shall monitor the savings and maintain a 9083
report of those savings, which shall be submitted to the 9084
commission in the same manner as required by division (G) of 9085
section 133.06 of the Revised Code in the case of energy 9086
securities. 9087

Sec. 3313.902. (A) As used in this section: 9088

(1) "Approved industry credential or certificate" means a 9089
credential or certificate that is approved by the chancellor of 9090
the Ohio board of regents. 9091

(2) "Eligible institution" means any of the following: 9092

(a) A community college established under Chapter 3354. of 9093
the Revised Code; 9094

(b) A technical college established under Chapter 3357. of 9095
the Revised Code; 9096

(c) A state community college established under Chapter 3358. 9097
of the Revised Code; 9098

(d) An Ohio technical center recognized by the chancellor 9099
that provides post-secondary workforce education. 9100

(3) "Eligible student" means an individual who is at least 9101
twenty-two years of age and has not received a high school diploma 9102
or a certificate of high school equivalence, as defined in section 9103
4109.06 of the Revised Code. 9104

(B) The adult career opportunity pilot program is hereby 9105

established to permit an eligible institution to obtain approval 9106
from the state board of education and the chancellor to develop 9107
and offer a program of study that allows an eligible student to 9108
obtain a high school diploma. A program shall be eligible for this 9109
approval if it satisfies all of the following requirements: 9110

(1) The program allows an eligible student to complete the 9111
requirements for obtaining a high school diploma while completing 9112
requirements for an approved industry credential or certificate. 9113

(2) The program includes career advising and outreach. 9114

(3) The program includes opportunities for students to 9115
receive a competency-based education. 9116

(C) The superintendent of public instruction, in consultation 9117
with the chancellor, shall adopt rules for the implementation of 9118
the adult career opportunity pilot program, including the 9119
requirements for applying for program approval. 9120

Sec. 3314.08. (A) As used in this section: 9121

(1)(a) "Category one career-technical education student" 9122
means a student who is receiving the career-technical education 9123
services described in division (A) of section 3317.014 of the 9124
Revised Code. 9125

(b) "Category two career-technical student" means a student 9126
who is receiving the career-technical education services described 9127
in division (B) of section 3317.014 of the Revised Code. 9128

(c) "Category three career-technical student" means a student 9129
who is receiving the career-technical education services described 9130
in division (C) of section 3317.014 of the Revised Code. 9131

(d) "Category four career-technical student" means a student 9132
who is receiving the career-technical education services described 9133
in division (D) of section 3317.014 of the Revised Code. 9134

(e) "Category five career-technical education student" means 9135
a student who is receiving the career-technical education services 9136
described in division (E) of section 3317.014 of the Revised Code. 9137

(2)(a) "Category one limited English proficient student" 9138
means a limited English proficient student described in division 9139
(A) of section 3317.016 of the Revised Code. 9140

(b) "Category two limited English proficient student" means a 9141
limited English proficient student described in division (B) of 9142
section 3317.016 of the Revised Code. 9143

(c) "Category three limited English proficient student" means 9144
a limited English proficient student described in division (C) of 9145
section 3317.016 of the Revised Code. 9146

(3)(a) "Category one special education student" means a 9147
student who is receiving special education services for a 9148
disability specified in division (A) of section 3317.013 of the 9149
Revised Code. 9150

(b) "Category two special education student" means a student 9151
who is receiving special education services for a disability 9152
specified in division (B) of section 3317.013 of the Revised Code. 9153

(c) "Category three special education student" means a 9154
student who is receiving special education services for a 9155
disability specified in division (C) of section 3317.013 of the 9156
Revised Code. 9157

(d) "Category four special education student" means a student 9158
who is receiving special education services for a disability 9159
specified in division (D) of section 3317.013 of the Revised Code. 9160

(e) "Category five special education student" means a student 9161
who is receiving special education services for a disability 9162
specified in division (E) of section 3317.013 of the Revised Code. 9163

(f) "Category six special education student" means a student 9164

who is receiving special education services for a disability 9165
specified in division (F) of section 3317.013 of the Revised Code. 9166

(4) "Formula amount" has the same meaning as in section 9167
3317.02 of the Revised Code. 9168

(5) "IEP" has the same meaning as in section 3323.01 of the 9169
Revised Code. 9170

(6) "Resident district" means the school district in which a 9171
student is entitled to attend school under section 3313.64 or 9172
3313.65 of the Revised Code. 9173

(7) "State education aid" has the same meaning as in section 9174
5751.20 of the Revised Code. 9175

(B) The state board of education shall adopt rules requiring 9176
both of the following: 9177

(1) The board of education of each city, exempted village, 9178
and local school district to annually report the number of 9179
students entitled to attend school in the district who are 9180
enrolled in each grade kindergarten through twelve in a community 9181
school established under this chapter, and for each child, the 9182
community school in which the child is enrolled. 9183

(2) The governing authority of each community school 9184
established under this chapter to annually report all of the 9185
following: 9186

(a) The number of students enrolled in grades one through 9187
twelve and the full-time equivalent number of students enrolled in 9188
kindergarten in the school who are not receiving special education 9189
and related services pursuant to an IEP; 9190

(b) The number of enrolled students in grades one through 9191
twelve and the full-time equivalent number of enrolled students in 9192
kindergarten, who are receiving special education and related 9193
services pursuant to an IEP; 9194

(c) The number of students reported under division (B)(2)(b) 9195
of this section receiving special education and related services 9196
pursuant to an IEP for a disability described in each of divisions 9197
(A) to (F) of section 3317.013 of the Revised Code; 9198

(d) The full-time equivalent number of students reported 9199
under divisions (B)(2)(a) and (b) of this section who are enrolled 9200
in career-technical education programs or classes described in 9201
each of divisions (A) to (E) of section 3317.014 of the Revised 9202
Code that are provided by the community school; 9203

(e) ~~Twenty per cent of the~~ The number of students reported 9204
under divisions (B)(2)(a) and (b) of this section who are not 9205
reported under division (B)(2)(d) of this section but who are 9206
enrolled in career-technical education programs or classes 9207
described in each of divisions (A) to (E) of section 3317.014 of 9208
the Revised Code at a joint vocational school district or another 9209
district in the career-technical planning district to which the 9210
school is assigned; 9211

(f) The number of students reported under divisions (B)(2)(a) 9212
and (b) of this section who are category one to three limited 9213
English proficient students described in each of divisions (A) to 9214
(C) of section 3317.016 of the Revised Code; 9215

(g) The number of students reported under divisions (B)(2)(a) 9216
and (b) who are economically disadvantaged, as defined by the 9217
department. A student shall not be categorically excluded from the 9218
number reported under division (B)(2)(g) of this section based on 9219
anything other than family income. 9220

(h) For each student, the city, exempted village, or local 9221
school district in which the student is entitled to attend school 9222
under section 3313.64 or 3313.65 of the Revised Code. 9223

A school district board and a community school governing 9224
authority shall include in their respective reports under division 9225

(B) of this section any child admitted in accordance with division 9226
(A)(2) of section 3321.01 of the Revised Code. 9227

A governing authority of a community school shall not include 9228
in its report under division (B)(2) of this section any student 9229
for whom tuition is charged under division (F) of this section. 9230

(C)(1) Except as provided in division (C)(2) of this section, 9231
and subject to divisions (C)(3), (4), (5), (6), and (7) of this 9232
section, on a full-time equivalency basis, for each student 9233
enrolled in a community school established under this chapter, the 9234
department of education annually shall deduct from the state 9235
education aid of a student's resident district and, if necessary, 9236
from the payment made to the district under sections 321.24 and 9237
323.156 of the Revised Code and pay to the community school the 9238
sum of the following: 9239

(a) An opportunity grant in an amount equal to the formula 9240
amount; 9241

(b) The per pupil amount of targeted assistance funds 9242
calculated under division (A) of section 3317.0217 of the Revised 9243
Code for the student's resident district, as determined by the 9244
department, X 0.25; 9245

(c) Additional state aid for special education and related 9246
services provided under Chapter 3323. of the Revised Code as 9247
follows: 9248

(i) If the student is a category one special education 9249
student, the amount specified in division (A) of section 3317.013 9250
of the Revised Code; 9251

(ii) If the student is a category two special education 9252
student, the amount specified in division (B) of section 3317.013 9253
of the Revised Code; 9254

(iii) If the student is a category three special education 9255

student, the amount specified in division (C) of section 3317.013 of the Revised Code;	9256 9257
(iv) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code;	9258 9259 9260
(v) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;	9261 9262 9263
(vi) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.	9264 9265 9266
(d) If the student is in kindergarten through third grade, an additional amount of \$211, in fiscal year 2014, and \$290, in fiscal year 2015;	9267 9268 9269
(e) If the student is economically disadvantaged, an additional amount equal to the following:	9270 9271
(\$269, in fiscal year 2014, or \$272, in fiscal year 2015) X (the resident district's economically disadvantaged index)	9272 9273
(f) Limited English proficiency funds as follows:	9274
(i) If the student is a category one limited English proficient student, the amount specified in division (A) of section 3317.016 of the Revised Code;	9275 9276 9277
(ii) If the student is a category two limited English proficient student, the amount specified in division (B) of section 3317.016 of the Revised Code;	9278 9279 9280
(iii) If the student is a category three limited English proficient student, the amount specified in division (C) of section 3317.016 of the Revised Code.	9281 9282 9283
(g) Career-technical <u>If the student is reported under</u> <u>division (B)(2)(d) of this section, career-technical</u> education	9284 9285

funds as follows:	9286
(i) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;	9287 9288 9289
(ii) If the student is a category two career-technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code;	9290 9291 9292
(iii) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code;	9293 9294 9295
(iv) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code;	9296 9297 9298
(v) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code.	9299 9300 9301
Deduction and payment of funds under division (C)(1)(g) of this section is subject to approval by the lead district of a career-technical planning district or the department of education under section 3317.161 of the Revised Code.	9302 9303 9304 9305
(2) When deducting from the state education aid of a student's resident district for students enrolled in an internet- or computer-based community school and making payments to such school under this section, the department shall make the deductions and payments described in only divisions (C)(1)(a), (c), and (g) of this section.	9306 9307 9308 9309 9310 9311
No deductions or payments shall be made for a student enrolled in such school under division (C)(1)(b), (d), (e), or (f) of this section.	9312 9313 9314
(3)(a) If a community school's costs for a fiscal year for a	9315

student receiving special education and related services pursuant 9316
to an IEP for a disability described in divisions (B) to (F) of 9317
section 3317.013 of the Revised Code exceed the threshold 9318
catastrophic cost for serving the student as specified in division 9319
(B) of section 3317.0214 of the Revised Code, the school may 9320
submit to the superintendent of public instruction documentation, 9321
as prescribed by the superintendent, of all its costs for that 9322
student. Upon submission of documentation for a student of the 9323
type and in the manner prescribed, the department shall pay to the 9324
community school an amount equal to the school's costs for the 9325
student in excess of the threshold catastrophic costs. 9326

(b) The community school shall report under division 9327
(C)(3)(a) of this section, and the department shall pay for, only 9328
the costs of educational expenses and the related services 9329
provided to the student in accordance with the student's 9330
individualized education program. Any legal fees, court costs, or 9331
other costs associated with any cause of action relating to the 9332
student may not be included in the amount. 9333

(4) In any fiscal year, a community school receiving funds 9334
under division (C)(1)(g) of this section shall spend those funds 9335
only for the purposes that the department designates as approved 9336
for career-technical education expenses. Career-technical 9337
~~educational~~ educational expenses approved by the department shall 9338
include only expenses connected to the delivery of 9339
career-technical programming to career-technical students. The 9340
department shall require the school to report data annually so 9341
that the department may monitor the school's compliance with the 9342
requirements regarding the manner in which funding received under 9343
division (C)(1)(g) of this section may be spent. 9344

(5) All funds received under division (C)(1)(g) of this 9345
section shall be spent in the following manner: 9346

(a) At least seventy-five per cent of the funds shall be 9347

spent on curriculum development, purchase, and implementation; 9348
instructional resources and supplies; industry-based program 9349
certification; student assessment, credentialing, and placement; 9350
curriculum specific equipment purchases and leases; 9351
career-technical student organization fees and expenses; home and 9352
agency linkages; work-based learning experiences; professional 9353
development; and other costs directly associated with 9354
career-technical education programs including development of new 9355
programs. 9356

(b) Not more than twenty-five per cent of the funds shall be 9357
used for personnel expenditures. 9358

(6) A community school shall spend the funds it receives 9359
under division (C)(1)(e) of this section in accordance with 9360
section 3317.25 of the Revised Code. 9361

(7) If the sum of the payments computed under ~~division~~ 9362
divisions (C)(1) and (8)(a) of this section for the students 9363
entitled to attend school in a particular school district under 9364
sections 3313.64 and 3313.65 of the Revised Code exceeds the sum 9365
of that district's state education aid and its payment under 9366
sections 321.24 and 323.156 of the Revised Code, the department 9367
shall calculate and apply a proration factor to the payments to 9368
all community schools under that division for the students 9369
entitled to attend school in that district. 9370

(8)(a) Subject to division (C)(7) of this section, the 9371
department annually shall pay to each community school, including 9372
each internet- or computer-based community school, an amount equal 9373
to the following: 9374

(The number of students reported by the community school 9375
under division (B)(2)(e) of this section X the formula amount X 9376
.20) 9377

(b) For each payment made to a community school under 9378

division (C)(8)(a) of this section, the department shall deduct 9379
from the state education aid of each city, local, and exempted 9380
village school district and, if necessary, from the payment made 9381
to the district under sections 321.24 and 323.156 of the Revised 9382
Code an amount equal to the following: 9383

(The number of the district's students reported by the 9384
community school under division (B)(2)(e) of this section X the 9385
formula amount X .20) 9386

(D) A board of education sponsoring a community school may 9387
utilize local funds to make enhancement grants to the school or 9388
may agree, either as part of the contract or separately, to 9389
provide any specific services to the community school at no cost 9390
to the school. 9391

(E) A community school may not levy taxes or issue bonds 9392
secured by tax revenues. 9393

(F) No community school shall charge tuition for the 9394
enrollment of any student who is a resident of this state. A 9395
community school may charge tuition for the enrollment of any 9396
student who is not a resident of this state. 9397

(G)(1)(a) A community school may borrow money to pay any 9398
necessary and actual expenses of the school in anticipation of the 9399
receipt of any portion of the payments to be received by the 9400
school pursuant to division (C) of this section. The school may 9401
issue notes to evidence such borrowing. The proceeds of the notes 9402
shall be used only for the purposes for which the anticipated 9403
receipts may be lawfully expended by the school. 9404

(b) A school may also borrow money for a term not to exceed 9405
fifteen years for the purpose of acquiring facilities. 9406

(2) Except for any amount guaranteed under section 3318.50 of 9407
the Revised Code, the state is not liable for debt incurred by the 9408
governing authority of a community school. 9409

(H) The department of education shall adjust the amounts 9410
subtracted and paid under division (C) of this section to reflect 9411
any enrollment of students in community schools for less than the 9412
equivalent of a full school year. The state board of education 9413
within ninety days after April 8, 2003, shall adopt in accordance 9414
with Chapter 119. of the Revised Code rules governing the payments 9415
to community schools under this section including initial payments 9416
in a school year and adjustments and reductions made in subsequent 9417
periodic payments to community schools and corresponding 9418
deductions from school district accounts as provided under 9419
division (C) of this section. For purposes of this section: 9420

(1) A student shall be considered enrolled in the community 9421
school for any portion of the school year the student is 9422
participating at a college under Chapter 3365. of the Revised 9423
Code. 9424

(2) A student shall be considered to be enrolled in a 9425
community school for the period of time beginning on the later of 9426
the date on which the school both has received documentation of 9427
the student's enrollment from a parent and the student has 9428
commenced participation in learning opportunities as defined in 9429
the contract with the sponsor, or thirty days prior to the date on 9430
which the student is entered into the education management 9431
information system established under section 3301.0714 of the 9432
Revised Code. For purposes of applying this division and divisions 9433
(H)(3) and (4) of this section to a community school student, 9434
"learning opportunities" shall be defined in the contract, which 9435
shall describe both classroom-based and non-classroom-based 9436
learning opportunities and shall be in compliance with criteria 9437
and documentation requirements for student participation which 9438
shall be established by the department. Any student's instruction 9439
time in non-classroom-based learning opportunities shall be 9440
certified by an employee of the community school. A student's 9441

enrollment shall be considered to cease on the date on which any 9442
of the following occur: 9443

(a) The community school receives documentation from a parent 9444
terminating enrollment of the student. 9445

(b) The community school is provided documentation of a 9446
student's enrollment in another public or private school. 9447

(c) The community school ceases to offer learning 9448
opportunities to the student pursuant to the terms of the contract 9449
with the sponsor or the operation of any provision of this 9450
chapter. 9451

Except as otherwise specified in this paragraph, beginning in 9452
the 2011-2012 school year, any student who completed the prior 9453
school year in an internet- or computer-based community school 9454
shall be considered to be enrolled in the same school in the 9455
subsequent school year until the student's enrollment has ceased 9456
as specified in division (H)(2) of this section. The department 9457
shall continue subtracting and paying amounts for the student 9458
under division (C) of this section without interruption at the 9459
start of the subsequent school year. However, if the student 9460
without a legitimate excuse fails to participate in the first one 9461
hundred five consecutive hours of learning opportunities offered 9462
to the student in that subsequent school year, the student shall 9463
be considered not to have re-enrolled in the school for that 9464
school year and the department shall recalculate the payments to 9465
the school for that school year to account for the fact that the 9466
student is not enrolled. 9467

(3) The department shall determine each community school 9468
student's percentage of full-time equivalency based on the 9469
percentage of learning opportunities offered by the community 9470
school to that student, reported either as number of hours or 9471
number of days, is of the total learning opportunities offered by 9472

the community school to a student who attends for the school's 9473
entire school year. However, no internet- or computer-based 9474
community school shall be credited for any time a student spends 9475
participating in learning opportunities beyond ten hours within 9476
any period of twenty-four consecutive hours. Whether it reports 9477
hours or days of learning opportunities, each community school 9478
shall offer not less than nine hundred twenty hours of learning 9479
opportunities during the school year. 9480

(4) With respect to the calculation of full-time equivalency 9481
under division (H)(3) of this section, the department shall waive 9482
the number of hours or days of learning opportunities not offered 9483
to a student because the community school was closed during the 9484
school year due to disease epidemic, hazardous weather conditions, 9485
law enforcement emergencies, inoperability of school buses or 9486
other equipment necessary to the school's operation, damage to a 9487
school building, or other temporary circumstances due to utility 9488
failure rendering the school building unfit for school use, so 9489
long as the school was actually open for instruction with students 9490
in attendance during that school year for not less than the 9491
minimum number of hours required by this chapter. The department 9492
shall treat the school as if it were open for instruction with 9493
students in attendance during the hours or days waived under this 9494
division. 9495

(I) The department of education shall reduce the amounts paid 9496
under this section to reflect payments made to colleges under 9497
division (B) of section 3365.07 of the Revised Code or through 9498
alternative funding agreements entered into under rules adopted 9499
under section 3365.12 of the Revised Code. 9500

(J)(1) No student shall be considered enrolled in any 9501
internet- or computer-based community school or, if applicable to 9502
the student, in any community school that is required to provide 9503
the student with a computer pursuant to division (C) of section 9504

3314.22 of the Revised Code, unless both of the following 9505
conditions are satisfied: 9506

(a) The student possesses or has been provided with all 9507
required hardware and software materials and all such materials 9508
are operational so that the student is capable of fully 9509
participating in the learning opportunities specified in the 9510
contract between the school and the school's sponsor as required 9511
by division (A)(23) of section 3314.03 of the Revised Code; 9512

(b) The school is in compliance with division (A) of section 9513
3314.22 of the Revised Code, relative to such student. 9514

(2) In accordance with policies adopted jointly by the 9515
superintendent of public instruction and the auditor of state, the 9516
department shall reduce the amounts otherwise payable under 9517
division (C) of this section to any community school that includes 9518
in its program the provision of computer hardware and software 9519
materials to any student, if such hardware and software materials 9520
have not been delivered, installed, and activated for each such 9521
student in a timely manner or other educational materials or 9522
services have not been provided according to the contract between 9523
the individual community school and its sponsor. 9524

The superintendent of public instruction and the auditor of 9525
state shall jointly establish a method for auditing any community 9526
school to which this division pertains to ensure compliance with 9527
this section. 9528

The superintendent, auditor of state, and the governor shall 9529
jointly make recommendations to the general assembly for 9530
legislative changes that may be required to assure fiscal and 9531
academic accountability for such schools. 9532

(K)(1) If the department determines that a review of a 9533
community school's enrollment is necessary, such review shall be 9534
completed and written notice of the findings shall be provided to 9535

the governing authority of the community school and its sponsor 9536
within ninety days of the end of the community school's fiscal 9537
year, unless extended for a period not to exceed thirty additional 9538
days for one of the following reasons: 9539

(a) The department and the community school mutually agree to 9540
the extension. 9541

(b) Delays in data submission caused by either a community 9542
school or its sponsor. 9543

(2) If the review results in a finding that additional 9544
funding is owed to the school, such payment shall be made within 9545
thirty days of the written notice. If the review results in a 9546
finding that the community school owes moneys to the state, the 9547
following procedure shall apply: 9548

(a) Within ten business days of the receipt of the notice of 9549
findings, the community school may appeal the department's 9550
determination to the state board of education or its designee. 9551

(b) The board or its designee shall conduct an informal 9552
hearing on the matter within thirty days of receipt of such an 9553
appeal and shall issue a decision within fifteen days of the 9554
conclusion of the hearing. 9555

(c) If the board has enlisted a designee to conduct the 9556
hearing, the designee shall certify its decision to the board. The 9557
board may accept the decision of the designee or may reject the 9558
decision of the designee and issue its own decision on the matter. 9559

(d) Any decision made by the board under this division is 9560
final. 9561

(3) If it is decided that the community school owes moneys to 9562
the state, the department shall deduct such amount from the 9563
school's future payments in accordance with guidelines issued by 9564
the superintendent of public instruction. 9565

(L) The department shall not subtract from a school 9566
district's state aid account and shall not pay to a community 9567
school under division (C) of this section any amount for any of 9568
the following: 9569

(1) Any student who has graduated from the twelfth grade of a 9570
public or nonpublic high school; 9571

(2) Any student who is not a resident of the state; 9572

(3) Any student who was enrolled in the community school 9573
during the previous school year when assessments were administered 9574
under section 3301.0711 of the Revised Code but did not take one 9575
or more of the assessments required by that section and was not 9576
excused pursuant to division (C)(1) or (3) of that section, unless 9577
the superintendent of public instruction grants the student a 9578
waiver from the requirement to take the assessment and a parent is 9579
not paying tuition for the student pursuant to section 3314.26 of 9580
the Revised Code. The superintendent may grant a waiver only for 9581
good cause in accordance with rules adopted by the state board of 9582
education. 9583

(4) Any student who has attained the age of twenty-two years, 9584
except for veterans of the armed services whose attendance was 9585
interrupted before completing the recognized twelve-year course of 9586
the public schools by reason of induction or enlistment in the 9587
armed forces and who apply for enrollment in a community school 9588
not later than four years after termination of war or their 9589
honorable discharge. If, however, any such veteran elects to 9590
enroll in special courses organized for veterans for whom tuition 9591
is paid under federal law, or otherwise, the department shall not 9592
subtract from a school district's state aid account and shall not 9593
pay to a community school under division (C) of this section any 9594
amount for that veteran. 9595

Sec. 3317.02. As used in this chapter: 9596

(A)(1) "Category one career-technical education ADM" means 9597
the enrollment of students during the school year on a full-time 9598
equivalency basis in career-technical education programs described 9599
in division (A) of section 3317.014 of the Revised Code and 9600
certified under division (B)(11) or (D)(2)(h) of section 3317.03 9601
of the Revised Code. 9602

(2) "Category two career-technical education ADM" means the 9603
enrollment of students during the school year on a full-time 9604
equivalency basis in career-technical education programs described 9605
in division (B) of section 3317.014 of the Revised Code and 9606
certified under division (B)(12) or (D)(2)(i) of section 3317.03 9607
of the Revised Code. 9608

(3) "Category three career-technical education ADM" means the 9609
enrollment of students during the school year on a full-time 9610
equivalency basis in career-technical education programs described 9611
in division (C) of section 3317.014 of the Revised Code and 9612
certified under division (B)(13) or (D)(2)(j) of section 3317.03 9613
of the Revised Code. 9614

(4) "Category four career-technical education ADM" means the 9615
enrollment of students during the school year on a full-time 9616
equivalency basis in career-technical education programs described 9617
in division (D) of section 3317.014 of the Revised Code and 9618
certified under division (B)(14) or (D)(2)(k) of section 3317.03 9619
of the Revised Code. 9620

(5) "Category five career-technical education ADM" means the 9621
enrollment of students during the school year on a full-time 9622
equivalency basis in career-technical education programs described 9623
in division (E) of section 3317.014 of the Revised Code and 9624
certified under division (B)(15) or (D)(2)(l) of section 3317.03 9625
of the Revised Code. 9626

(B)(1) "Category one limited English proficient ADM" means 9627

the full-time equivalent number of limited English proficient 9628
students described in division (A) of section 3317.016 of the 9629
Revised Code and certified under division (B)(16) or (D)(2)(m) of 9630
section 3317.03 of the Revised Code. 9631

(2) "Category two limited English proficient ADM" means the 9632
full-time equivalent number of limited English proficient students 9633
described in division (B) of section 3317.016 of the Revised Code 9634
and certified under division (B)(17) or (D)(2)(n) of section 9635
3317.03 of the Revised Code. 9636

(3) "Category three limited English proficient ADM" means the 9637
full-time equivalent number of limited English proficient students 9638
described in division (C) of section 3317.016 of the Revised Code 9639
and certified under division (B)(18) or (D)(2)(o) of section 9640
3317.03 of the Revised Code. 9641

(C)(1) "Category one special education ADM" means the 9642
full-time equivalent number of children with disabilities 9643
receiving special education services for the disability specified 9644
in division (A) of section 3317.013 of the Revised Code and 9645
certified under division (B)(5) or (D)(2)(b) of section 3317.03 of 9646
the Revised Code. 9647

(2) "Category two special education ADM" means the full-time 9648
equivalent number of children with disabilities receiving special 9649
education services for those disabilities specified in division 9650
(B) of section 3317.013 of the Revised Code and certified under 9651
division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised 9652
Code. 9653

(3) "Category three special education ADM" means the 9654
full-time equivalent number of students receiving special 9655
education services for those disabilities specified in division 9656
(C) of section 3317.013 of the Revised Code, and certified under 9657
division (B)(7) or (D)(2)(d) of section 3317.03 of the Revised 9658

Code. 9659

(4) "Category four special education ADM" means the full-time 9660
equivalent number of students receiving special education services 9661
for those disabilities specified in division (D) of section 9662
3317.013 of the Revised Code and certified under division (B)(8) 9663
or (D)(2)(e) of section 3317.03 of the Revised Code. 9664

(5) "Category five special education ADM" means the full-time 9665
equivalent number of students receiving special education services 9666
for the disabilities specified in division (E) of section 3317.013 9667
of the Revised Code and certified under division (B)(9) or 9668
(D)(2)(f) of section 3317.03 of the Revised Code. 9669

(6) "Category six special education ADM" means the full-time 9670
equivalent number of students receiving special education services 9671
for the disabilities specified in division (F) of section 3317.013 9672
of the Revised Code and certified under division (B)(10) or 9673
(D)(2)(g) of section 3317.03 of the Revised Code. 9674

(D) "County DD board" means a county board of developmental 9675
disabilities. 9676

(E) "Economically disadvantaged index for a school district" 9677
means the square of the quotient of that district's percentage of 9678
students in its total ADM who are identified as economically 9679
disadvantaged as defined by the department of education, divided 9680
by the statewide percentage of students identified as economically 9681
disadvantaged. 9682

(F)(1) "Formula ADM" means, for a city, local, or exempted 9683
village school district, the enrollment reported under division 9684
(A) of section 3317.03 of the Revised Code, as verified by the 9685
superintendent of public instruction and adjusted if so ordered 9686
under division (K) of that section, and as further adjusted by 9687
counting the department of education, as follows: 9688

(a) Count only twenty per cent of the number of joint 9689

vocational school district students counted under division (A)(3) 9690
of section 3317.03 of the Revised Code; 9691

(b) Add twenty per cent of the number of students who are 9692
entitled to attend school in the district under section 3313.64 or 9693
3313.65 of the Revised Code and are enrolled in another school 9694
district under a career-technical education compact. 9695

(2) "Formula ADM" means, for a joint vocational school 9696
district, the final number verified by the superintendent of 9697
public instruction, based on the enrollment reported and certified 9698
under division (D) of section 3317.03 of the Revised Code, as 9699
adjusted, if so ordered, under division (K) of that section. 9700

(G) "Formula amount" means \$5,745, for fiscal year 2014, and 9701
\$5,800, for fiscal year 2015. 9702

(H) "FTE basis" means a count of students based on full-time 9703
equivalency, in accordance with rules adopted by the department of 9704
education pursuant to section 3317.03 of the Revised Code. In 9705
adopting its rules under this division, the department shall 9706
provide for counting any student in category one, two, three, 9707
four, five, or six special education ADM or in category one, two, 9708
three, four, or five career technical education ADM in the same 9709
proportion the student is counted in formula ADM. 9710

(I) "Internet- or computer-based community school" has the 9711
same meaning as in section 3314.02 of the Revised Code. 9712

(J) "Medically fragile child" means a child to whom all of 9713
the following apply: 9714

(1) The child requires the services of a doctor of medicine 9715
or osteopathic medicine at least once a week due to the 9716
instability of the child's medical condition. 9717

(2) The child requires the services of a registered nurse on 9718
a daily basis. 9719

(3) The child is at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for individuals with intellectual disabilities.

(K)(1) A child may be identified as having an "other health impairment-major" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the state board of education and if either of the following apply:

(a) The child is identified as having a medical condition that is among those listed by the superintendent of public instruction as conditions where a substantial majority of cases fall within the definition of "medically fragile child."

(b) The child is determined by the superintendent of public instruction to be a medically fragile child. A school district superintendent may petition the superintendent of public instruction for a determination that a child is a medically fragile child.

(2) A child may be identified as having an "other health impairment-minor" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the state board of education but the child's condition does not meet either of the conditions specified in division (K)(1)(a) or (b) of this section.

(L) "Preschool child with a disability" means a child with a disability, as defined in section 3323.01 of the Revised Code, who is at least age three but is not of compulsory school age, as defined in section 3321.01 of the Revised Code, and who is not currently enrolled in kindergarten.

(M) "Preschool scholarship ADM" means the number of preschool children with disabilities certified under division (B)(3)(h) of section 3317.03 of the Revised Code.

(N) "Related services" includes:

(1) Child study, special education supervisors and 9751
coordinators, speech and hearing services, adaptive physical 9752
development services, occupational or physical therapy, teacher 9753
assistants for children with disabilities whose disabilities are 9754
described in division (B) of section 3317.013 or division (B)(3) 9755
of this section, behavioral intervention, interpreter services, 9756
work study, nursing services, and specialized integrative services 9757
as those terms are defined by the department; 9758

(2) Speech and language services provided to any student with 9759
a disability, including any student whose primary or only 9760
disability is a speech and language disability; 9761

(3) Any related service not specifically covered by other 9762
state funds but specified in federal law, including but not 9763
limited to, audiology and school psychological services; 9764

(4) Any service included in units funded under former 9765
division (O)(1) of section 3317.024 of the Revised Code; 9766

(5) Any other related service needed by children with 9767
disabilities in accordance with their individualized education 9768
programs. 9769

(O) "School district," unless otherwise specified, means 9770
city, local, and exempted village school districts. 9771

(P) "State education aid" has the same meaning as in section 9772
5751.20 of the Revised Code. 9773

(Q) "State share index" means the state share index 9774
calculated for a district under section 3317.017 of the Revised 9775
Code. 9776

(R) "Taxes charged and payable" means the taxes charged and 9777
payable against real and public utility property after making the 9778
reduction required by section 319.301 of the Revised Code, plus 9779
the taxes levied against tangible personal property. 9780

(S) "Total ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section.

(T) "Total special education ADM" means the sum of categories one through six special education ADM.

(U) "Total taxable value" means the sum of the amounts certified for a city, local, exempted village, or joint vocational school district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code.

Sec. 3317.0217. Payment of the amount calculated for a school district under this section shall be made under division (A) of section 3317.022 of the Revised Code.

(A) The department of education shall annually compute targeted assistance funds to school districts, as follows:

(1) Calculate the local wealth per pupil of each school district, which equals the following sum:

(a) One-half times the quotient of (i) the district's three-year average valuation divided by (ii) its formula ADM; plus

(b) One-half times the quotient of (i) the average of the total federal adjusted gross income of the school district's residents for the three years most recently reported under section 3317.021 of the Revised Code divided by (ii) its formula ADM.

(2) Rank all school districts in order of local wealth per pupil, from the district with the lowest local wealth per pupil to the district with the highest local wealth per pupil.

(3) Compute the statewide wealth per pupil, which equals the following sum:

(a) One-half times the quotient of (i) the sum of the 9810
three-year average valuations for all school districts divided by 9811
(ii) the sum of formula ADM counts for all ~~schools~~ school 9812
districts; plus 9813

(b) One-half times the quotient of (i) the sum of the 9814
three-year average total federal adjusted gross incomes for all 9815
school districts divided by (ii) the sum of formula ADM counts for 9816
all school districts. 9817

(4) Compute each district's wealth index by dividing the 9818
statewide wealth per pupil by the district's local wealth per 9819
pupil. 9820

(5) Compute the per pupil targeted assistance for each 9821
eligible school district in accordance with the following formula: 9822

(Threshold local wealth per pupil - the district's local wealth 9823
per pupil) 9824

X target millage X the district's wealth index 9825

Where: 9826

(a) An "eligible school district" means a school district 9827
with a local wealth per pupil less than that of the school 9828
district with the 490th lowest local wealth per pupil. 9829

(b) "Threshold local wealth per pupil" means the local wealth 9830
per pupil of the school district with the 490th lowest local 9831
wealth per pupil. 9832

(c) "Target millage" means 0.006. 9833

If the result of the calculation for a school district under 9834
division (A)(5) of this section is less than zero, the district's 9835
targeted assistance shall be zero. 9836

(6) Calculate the aggregate amount to be paid as targeted 9837
assistance funds to each school district under division (A) of 9838
section 3317.022 of the Revised Code by multiplying the per pupil 9839

targeted assistance computed under division (A)(5) of this section 9840
by the district's net formula ADM. 9841

As used in this division, a district's "net formula ADM" 9842
means its formula ADM minus the number of community school 9843
students certified under division (B)(3)(d) of section 3317.03 of 9844
the Revised Code X 0.75, the number of internet- and 9845
computer-based community school students certified under division 9846
(B)(3)(e) of that section, the number of science, technology, 9847
engineering, and mathematics school students certified under 9848
division (B)(3)(j) of that section X 0.75, and the number of 9849
scholarship students certified under divisions (B)(3)(f), (g), and 9850
(l) of that section. 9851

(B) The department shall annually compute supplemental 9852
targeted assistance funds to school districts, as follows: 9853

(1) Compute each district's agricultural percentage as the 9854
quotient of (a) the three-year average tax valuation of real 9855
property in the district that is classified as agricultural 9856
property divided by (b) the three-year average tax valuation of 9857
all of the real property in the district. For purposes of this 9858
computation, a district's "three-year average tax valuation" means 9859
the average of a district's tax valuation for fiscal years 2012, 9860
2013, and 2014. 9861

(2) Determine each district's agricultural targeted 9862
percentage as follows: 9863

(a) If a district's agricultural percentage is greater than 9864
or equal to 0.10, then the district's agricultural targeted 9865
percentage shall be equal to 0.40. 9866

(b) If a district's agricultural percentage is less than 9867
0.10, then the district's agricultural targeted percentage shall 9868
be equal to 4 X the district's agricultural percentage. 9869

(3) Calculate the aggregate amount to be paid as supplemental 9870

targeted assistance funds to each school district under division 9871
(A) of section 3317.022 of the Revised Code by multiplying the 9872
district's agricultural targeted percentage by the amount 9873
calculated for the district under division (A)(6) of this section. 9874

Sec. 3317.06. Moneys paid to school districts under division 9875
(E) of section 3317.024 of the Revised Code shall be used for the 9876
following independent and fully severable purposes: 9877

(A) To purchase such secular textbooks or digital texts as 9878
have been approved by the superintendent of public instruction for 9879
use in public schools in the state and to loan such textbooks or 9880
digital texts to pupils attending nonpublic schools within the 9881
district or to their parents and to hire clerical personnel to 9882
administer such lending program. Such loans shall be based upon 9883
individual requests submitted by such nonpublic school pupils or 9884
parents. Such requests shall be submitted to the school district 9885
in which the nonpublic school is located. Such individual requests 9886
for the loan of textbooks or digital texts shall, for 9887
administrative convenience, be submitted by the nonpublic school 9888
pupil or the pupil's parent to the nonpublic school, which shall 9889
prepare and submit collective summaries of the individual requests 9890
to the school district. As used in this section: 9891

(1) "Textbook" means any book or book substitute that a pupil 9892
uses as a consumable or nonconsumable text, text substitute, or 9893
text supplement in a particular class or program in the school the 9894
pupil regularly attends. 9895

(2) "Digital text" means a consumable book or book substitute 9896
that a student accesses through the use of a computer or other 9897
electronic medium or that is available through an internet-based 9898
provider of course content, or any other material that contributes 9899
to the learning process through electronic means. 9900

(B) To provide speech and hearing diagnostic services to 9901

pupils attending nonpublic schools within the district. Such 9902
service shall be provided in the nonpublic school attended by the 9903
pupil receiving the service. 9904

(C) To provide physician, nursing, dental, and optometric 9905
services to pupils attending nonpublic schools within the 9906
district. Such services shall be provided in the school attended 9907
by the nonpublic school pupil receiving the service. 9908

(D) To provide diagnostic psychological services to pupils 9909
attending nonpublic schools within the district. Such services 9910
shall be provided in the school attended by the pupil receiving 9911
the service. 9912

(E) To provide therapeutic psychological and speech and 9913
hearing services to pupils attending nonpublic schools within the 9914
district. Such services shall be provided in the public school, in 9915
nonpublic schools, in public centers, or in mobile units located 9916
on or off of the nonpublic premises. If such services are provided 9917
in the public school or in public centers, transportation to and 9918
from such facilities shall be provided by the school district in 9919
which the nonpublic school is located. 9920

(F) To provide guidance, counseling, and social work services 9921
to pupils attending nonpublic schools within the district. Such 9922
services shall be provided in the public school, in nonpublic 9923
schools, in public centers, or in mobile units located on or off 9924
of the nonpublic premises. If such services are provided in the 9925
public school or in public centers, transportation to and from 9926
such facilities shall be provided by the school district in which 9927
the nonpublic school is located. 9928

(G) To provide remedial services to pupils attending 9929
nonpublic schools within the district. Such services shall be 9930
provided in the public school, in nonpublic schools, in public 9931
centers, or in mobile units located on or off of the nonpublic 9932

premises. If such services are provided in the public school or in 9933
public centers, transportation to and from such facilities shall 9934
be provided by the school district in which the nonpublic school 9935
is located. 9936

(H) To supply for use by pupils attending nonpublic schools 9937
within the district such standardized tests and scoring services 9938
as are in use in the public schools of the state; 9939

(I) To provide programs for children who attend nonpublic 9940
schools within the district and are children with disabilities as 9941
defined in section 3323.01 of the Revised Code or gifted children. 9942
Such programs shall be provided in the public school, in nonpublic 9943
schools, in public centers, or in mobile units located on or off 9944
of the nonpublic premises. If such programs are provided in the 9945
public school or in public centers, transportation to and from 9946
such facilities shall be provided by the school district in which 9947
the nonpublic school is located. 9948

(J) To hire clerical personnel to assist in the 9949
administration of programs pursuant to divisions (B), (C), (D), 9950
(E), (F), (G), and (I) of this section and to hire supervisory 9951
personnel to supervise the providing of services and textbooks 9952
pursuant to this section. 9953

(K) To purchase or lease any secular, neutral, and 9954
nonideological computer application software designed to assist 9955
students in performing a single task or multiple related tasks, 9956
device management software, learning management software, 9957
site-licensing, digital video on demand (DVD), wide area 9958
connectivity and related technology as it relates to internet 9959
access, mathematics or science equipment and materials, 9960
instructional materials, and school library materials that are in 9961
general use in the public schools of the state and loan such items 9962
to pupils attending nonpublic schools within the district or to 9963
their parents, and to hire clerical personnel to administer the 9964

lending program. Only such items that are incapable of diversion 9965
to religious use and that are susceptible of loan to individual 9966
pupils and are furnished for the use of individual pupils shall be 9967
purchased and loaned under this division. As used in this section, 9968
"instructional materials" means prepared learning materials that 9969
are secular, neutral, and nonideological in character and are of 9970
benefit to the instruction of school children. 9971

Mobile applications that are secular, neutral, and 9972
nonideological in character and that are purchased for less than 9973
ten dollars for instructional use shall be considered to be 9974
consumable and shall be distributed to students without the 9975
expectation that the applications must be returned. 9976

(L) To purchase or lease instructional equipment, including 9977
computer hardware and related equipment in general use in the 9978
public schools of the state, for use by pupils attending nonpublic 9979
schools within the district and to loan such items to pupils 9980
attending nonpublic schools within the district or to their 9981
parents, and to hire clerical personnel to administer the lending 9982
program. "Computer hardware and related equipment" includes 9983
desktop computers and workstations; laptop computers, computer 9984
tablets, and other mobile handheld devices; and their operating 9985
systems and accessories. 9986

(M) To purchase mobile units to be used for the provision of 9987
services pursuant to divisions (E), (F), (G), and (I) of this 9988
section and to pay for necessary repairs and operating costs 9989
associated with these units. 9990

(N) To reimburse costs the district incurred to store the 9991
records of a chartered nonpublic school that closes. 9992
Reimbursements under this division shall be made one time only for 9993
each chartered nonpublic school that closes. 9994

(O) To purchase life-saving medical or other emergency 9995

equipment for placement in nonpublic schools within the district 9996
or to maintain such equipment; 9997

(P) To purchase or lease equipment for emergency 9998
communications systems, school entrance security systems, or both 9999
for placement in nonpublic schools within the district. 10000

Clerical and supervisory personnel hired pursuant to division 10001
(J) of this section shall perform their services in the public 10002
schools, in nonpublic schools, public centers, or mobile units 10003
where the services are provided to the nonpublic school pupil, 10004
except that such personnel may accompany pupils to and from the 10005
service sites when necessary to ensure the safety of the children 10006
receiving the services. 10007

All services provided pursuant to this section may be 10008
provided under contract with educational service centers, the 10009
department of health, city or general health districts, or private 10010
agencies whose personnel are properly licensed by an appropriate 10011
state board or agency. 10012

Transportation of pupils provided pursuant to divisions (E), 10013
(F), (G), and (I) of this section shall be provided by the school 10014
district from its general funds and not from moneys paid to it 10015
under division (E) of section 3317.024 of the Revised Code unless 10016
a special transportation request is submitted by the parent of the 10017
child receiving service pursuant to such divisions. If such an 10018
application is presented to the school district, it may pay for 10019
the transportation from moneys paid to it under division (E) of 10020
section 3317.024 of the Revised Code. 10021

No school district shall provide health or remedial services 10022
to nonpublic school pupils as authorized by this section unless 10023
such services are available to pupils attending the public schools 10024
within the district. 10025

Materials, equipment, computer hardware or software, 10026

textbooks, digital texts, and health and remedial services 10027
provided for the benefit of nonpublic school pupils pursuant to 10028
this section and the admission of pupils to such nonpublic schools 10029
shall be provided without distinction as to race, creed, color, or 10030
national origin of such pupils or of their teachers. 10031

No school district shall provide services, materials, or 10032
equipment that contain religious content for use in religious 10033
courses, devotional exercises, religious training, or any other 10034
religious activity. 10035

As used in this section, "parent" includes a person standing 10036
in loco parentis to a child. 10037

Notwithstanding section 3317.01 of the Revised Code, payments 10038
shall be made under this section to any city, local, or exempted 10039
village school district within which is located one or more 10040
nonpublic elementary or high schools and any payments made to 10041
school districts under division (E) of section 3317.024 of the 10042
Revised Code for purposes of this section may be disbursed without 10043
submission to and approval of the controlling board. 10044

The allocation of payments for materials, equipment, 10045
textbooks, digital texts, health services, and remedial services 10046
to city, local, and exempted village school districts shall be on 10047
the basis of the state board of education's estimated annual 10048
average daily membership in nonpublic elementary and high schools 10049
located in the district. 10050

Payments made to city, local, and exempted village school 10051
districts under this section shall be equal to specific 10052
appropriations made for the purpose. All interest earned by a 10053
school district on such payments shall be used by the district for 10054
the same purposes and in the same manner as the payments may be 10055
used. 10056

The department of education shall adopt guidelines and 10057

procedures under which such programs and services shall be 10058
provided, under which districts shall be reimbursed for 10059
administrative costs incurred in providing such programs and 10060
services, and under which any unexpended balance of the amounts 10061
appropriated by the general assembly to implement this section may 10062
be transferred to the auxiliary services personnel unemployment 10063
compensation fund established pursuant to section 4141.47 of the 10064
Revised Code. The department shall also adopt guidelines and 10065
procedures limiting the purchase and loan of the items described 10066
in division (K) of this section to items that are in general use 10067
in the public schools of the state, that are incapable of 10068
diversion to religious use, and that are susceptible to individual 10069
use rather than classroom use. Within thirty days after the end of 10070
each biennium, each board of education shall remit to the 10071
department all moneys paid to it under division (E) of section 10072
3317.024 of the Revised Code and any interest earned on those 10073
moneys that are not required to pay expenses incurred under this 10074
section during the biennium for which the money was appropriated 10075
and during which the interest was earned. If a board of education 10076
subsequently determines that the remittal of moneys leaves the 10077
board with insufficient money to pay all valid expenses incurred 10078
under this section during the biennium for which the remitted 10079
money was appropriated, the board may apply to the department of 10080
education for a refund of money, not to exceed the amount of the 10081
insufficiency. If the department determines the expenses were 10082
lawfully incurred and would have been lawful expenditures of the 10083
refunded money, it shall certify its determination and the amount 10084
of the refund to be made to the director of job and family 10085
services who shall make a refund as provided in section 4141.47 of 10086
the Revised Code. 10087

Each school district shall label materials, equipment, 10088
computer hardware or software, textbooks, and digital texts 10089
purchased or leased for loan to a nonpublic school under this 10090

section, acknowledging that they were purchased or leased with state funds under this section. However, a district need not label materials, equipment, computer hardware or software, textbooks, or digital texts that the district determines are consumable in nature or have a value of less than two hundred dollars.

Sec. 3318.36. (A)(1) As used in this section:

(a) "Ohio school facilities commission," "classroom facilities," "school district," "school district board," "net bonded indebtedness," "required percentage of the basic project costs," "basic project cost," "valuation," and "percentile" have the same meanings as in section 3318.01 of the Revised Code.

(b) "Required level of indebtedness" means five per cent of the school district's valuation for the year preceding the year in which the commission and school district enter into an agreement under division (B) of this section, plus [two one-hundredths of one per cent multiplied by (the percentile in which the district ranks minus one)].

(c) "Local resources" means any moneys generated in any manner permitted for a school district board to raise the school district portion of a project undertaken with assistance under sections 3318.01 to 3318.20 of the Revised Code.

(d) "Tangible personal property phase-out impacted district" means a school district for which the taxable value of its tangible personal property certified under division (A)(2) of section 3317.021 of the Revised Code for tax year 2005, excluding the taxable value of public utility personal property, made up eighteen per cent or more of its total taxable value for tax year 2005 as certified under that section.

(2) For purposes of determining the required level of indebtedness, the required percentage of the basic project costs

under division (C)(1) of this section, and priority for assistance 10121
under sections 3318.01 to 3318.20 of the Revised Code, the 10122
percentile ranking of a school district with which the commission 10123
has entered into an agreement under this section between the first 10124
day of July and the thirty-first day of August in each fiscal year 10125
is the percentile ranking calculated for that district for the 10126
immediately preceding fiscal year, and the percentile ranking of a 10127
school district with which the commission has entered into such 10128
agreement between the first day of September and the thirtieth day 10129
of June in each fiscal year is the percentile ranking calculated 10130
for that district for the current fiscal year. However, in the 10131
case of a tangible personal property phase-out impacted district, 10132
the district's priority for assistance under sections 3318.01 to 10133
3318.20 of the Revised Code and its portion of the basic project 10134
cost under those sections shall be determined in the manner 10135
prescribed, respectively, in divisions (B)(3)(b) and (E)(1)(b) of 10136
this section. 10137

(B)(1) There is hereby established the school building 10138
assistance expedited local partnership program. Under the program, 10139
the Ohio school facilities commission may enter into an agreement 10140
with the board of any school district under which the board may 10141
proceed with the new construction or major repairs of a part of 10142
the district's classroom facilities needs, as determined under 10143
sections 3318.01 to 3318.20 of the Revised Code, through the 10144
expenditure of local resources prior to the school district's 10145
eligibility for state assistance under those sections, and may 10146
apply that expenditure toward meeting the school district's 10147
portion of the basic project cost of the total of the district's 10148
classroom facilities needs, as recalculated under division (E) of 10149
this section, when the district becomes eligible for state 10150
assistance under sections 3318.01 to 3318.20 or section 3318.364 10151
of the Revised Code. Any school district that is reasonably 10152
expected to receive assistance under sections 3318.01 to 3318.20 10153

of the Revised Code within two fiscal years from the date the 10154
school district adopts its resolution under division (B) of this 10155
section shall not be eligible to participate in the program 10156
established under this section. 10157

(2) To participate in the program, a school district board 10158
shall first adopt a resolution certifying to the commission the 10159
board's intent to participate in the program. 10160

The resolution shall specify the approximate date that the 10161
board intends to seek elector approval of any bond or tax measures 10162
or to apply other local resources to use to pay the cost of 10163
classroom facilities to be constructed under this section. The 10164
resolution may specify the application of local resources or 10165
elector-approved bond or tax measures after the resolution is 10166
adopted by the board, and in such case the board may proceed with 10167
a discrete portion of its project under this section as soon as 10168
the commission and the controlling board have approved the basic 10169
project cost of the district's classroom facilities needs as 10170
specified in division (D) of this section. The board shall submit 10171
its resolution to the commission not later than ten days after the 10172
date the resolution is adopted by the board. 10173

The commission shall not consider any resolution that is 10174
submitted pursuant to division (B)(2) of this section, as amended 10175
by this amendment, sooner than September 14, 2000. 10176

(3) For purposes of determining when a district that enters 10177
into an agreement under this section becomes eligible for 10178
assistance under sections 3318.01 to 3318.20 of the Revised Code 10179
or priority for assistance under section 3318.364 of the Revised 10180
Code, the commission shall use one of the following as applicable: 10181

(a) Except for a tangible personal property phase-out 10182
impacted district, the district's percentile ranking determined at 10183
the time the district entered into the agreement under this 10184

section, as prescribed by division (A)(2) of this section; 10185

(b) For a tangible personal property phase-out impacted 10186
district, the lesser of (i) the district's percentile ranking 10187
determined at the time the district entered into the agreement 10188
under this section, as prescribed by division (A)(2) of this 10189
section, or (ii) the district's current percentile ranking under 10190
section 3318.011 of the Revised Code. 10191

(4) Any project under this section shall comply with section 10192
3318.03 of the Revised Code and with any specifications for plans 10193
and materials for classroom facilities adopted by the commission 10194
under section 3318.04 of the Revised Code. 10195

(5) If a school district that enters into an agreement under 10196
this section has not begun a project applying local resources as 10197
provided for under that agreement at the time the district is 10198
notified by the commission that it is eligible to receive state 10199
assistance under sections 3318.01 to 3318.20 of the Revised Code, 10200
all assessment and agreement documents entered into under this 10201
section are void. 10202

(6) Only construction of or repairs to classroom facilities 10203
that have been approved by the commission and have been therefore 10204
included as part of a district's basic project cost qualify for 10205
application of local resources under this section. 10206

(C) Based on the results of on-site visits and assessment, 10207
the commission shall determine the basic project cost of the 10208
school district's classroom facilities needs. The commission shall 10209
determine the school district's portion of such basic project 10210
cost, which shall be the greater of: 10211

(1) The required percentage of the basic project costs, 10212
determined based on the school district's percentile ranking; 10213

(2) An amount necessary to raise the school district's net 10214
bonded indebtedness, as of the fiscal year the commission and the 10215

school district enter into the agreement under division (B) of 10216
this section, to within five thousand dollars of the required 10217
level of indebtedness. 10218

(D)(1) When the commission determines the basic project cost 10219
of the classroom facilities needs of a school district and the 10220
school district's portion of that basic project cost under 10221
division (C) of this section, the project shall be conditionally 10222
approved. Such conditional approval shall be submitted to the 10223
controlling board for approval thereof. The controlling board 10224
shall forthwith approve or reject the commission's determination, 10225
conditional approval, and the amount of the state's portion of the 10226
basic project cost; however, no state funds shall be encumbered 10227
under this section. Upon approval by the controlling board, the 10228
school district board may identify a discrete part of its 10229
classroom facilities needs, which shall include only new 10230
construction of or additions or major repairs to a particular 10231
building, to address with local resources. Upon identifying a part 10232
of the school district's basic project cost to address with local 10233
resources, the school district board may allocate any available 10234
school district moneys to pay the cost of that identified part, 10235
including the proceeds of an issuance of bonds if approved by the 10236
electors of the school district. 10237

All local resources utilized under this division shall first 10238
be deposited in the project construction account required under 10239
section 3318.08 of the Revised Code. 10240

(2) Unless the school district board exercises its option 10241
under division (D)(3) of this section, for a school district to 10242
qualify for participation in the program authorized under this 10243
section, one of the following conditions shall be satisfied: 10244

(a) The electors of the school district by a majority vote 10245
shall approve the levy of taxes outside the ten-mill limitation 10246
for a period of twenty-three years at the rate of not less than 10247

one-half mill for each dollar of valuation to be used to pay the 10248
cost of maintaining the classroom facilities included in the basic 10249
project cost as determined by the commission. The form of the 10250
ballot to be used to submit the question whether to approve the 10251
tax required under this division to the electors of the school 10252
district shall be the form for an additional levy of taxes 10253
prescribed in section 3318.361 of the Revised Code, which may be 10254
combined in a single ballot question with the questions prescribed 10255
under section 5705.218 of the Revised Code. 10256

(b) As authorized under division (C) of section 3318.05 of 10257
the Revised Code, the school district board shall earmark from the 10258
proceeds of a permanent improvement tax levied under section 10259
5705.21 of the Revised Code, an amount equivalent to the 10260
additional tax otherwise required under division (D)(2)(a) of this 10261
section for the maintenance of the classroom facilities included 10262
in the basic project cost as determined by the commission. 10263

(c) As authorized under section 3318.051 of the Revised Code, 10264
the school district board shall, if approved by the commission, 10265
annually transfer into the maintenance fund required under section 10266
3318.05 of the Revised Code the amount prescribed in section 10267
3318.051 of the Revised Code in lieu of the tax otherwise required 10268
under division (D)(2)(a) of this section for the maintenance of 10269
the classroom facilities included in the basic project cost as 10270
determined by the commission. 10271

(d) If the school district board has rescinded the agreement 10272
to make transfers under section 3318.051 of the Revised Code, as 10273
provided under division (F) of that section, the electors of the 10274
school district, in accordance with section 3318.063 of the 10275
Revised Code, first shall approve the levy of taxes outside the 10276
ten-mill limitation for the period specified in that section at a 10277
rate of not less than one-half mill for each dollar of valuation. 10278

(e) The school district board shall apply the proceeds of a 10279

tax to leverage bonds as authorized under section 3318.052 of the Revised Code or dedicate a local donated contribution in the manner described in division (B) of section 3318.084 of the Revised Code in an amount equivalent to the additional tax otherwise required under division (D)(2)(a) of this section for the maintenance of the classroom facilities included in the basic project cost as determined by the commission.

(3) A school district board may opt to delay taking any of the actions described in division (D)(2) of this section until the school district becomes eligible for state assistance under sections 3318.01 to 3318.20 of the Revised Code. In order to exercise this option, the board shall certify to the commission a resolution indicating the board's intent to do so prior to entering into an agreement under division (B) of this section.

(4) If pursuant to division (D)(3) of this section a district board opts to delay levying an additional tax until the district becomes eligible for state assistance, it shall submit the question of levying that tax to the district electors as follows:

(a) In accordance with section 3318.06 of the Revised Code if it will also be necessary pursuant to division (E) of this section to submit a proposal for approval of a bond issue;

(b) In accordance with section 3318.361 of the Revised Code if it is not necessary to also submit a proposal for approval of a bond issue pursuant to division (E) of this section.

(5) No state assistance under sections 3318.01 to 3318.20 of the Revised Code shall be released until a school district board 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.

Any amount required for maintenance under division (D)(2) of this section shall be deposited into a separate fund as specified

in division (B) of section 3318.05 of the Revised Code. 10311

(E)(1) If the school district becomes eligible for state 10312
assistance under sections 3318.01 to 3318.20 of the Revised Code 10313
based on its percentile ranking under division (B)(3) of this 10314
section or is offered assistance under section 3318.364 of the 10315
Revised Code, the commission shall conduct a new assessment of the 10316
school district's classroom facilities needs and shall recalculate 10317
the basic project cost based on this new assessment. The basic 10318
project cost recalculated under this division shall include the 10319
amount of expenditures made by the school district board under 10320
division (D)(1) of this section. The commission shall then 10321
recalculate the school district's portion of the new basic project 10322
cost, which shall be one of the following as applicable: 10323

(a) Except for a tangible personal property phase-out 10324
impacted district, the percentage of the original basic project 10325
cost assigned to the school district as its portion under division 10326
(C) of this section; 10327

(b) For a tangible personal property phase-out impacted 10328
district, the lesser of (i) the percentage of the original basic 10329
project cost assigned to the school district as its portion under 10330
division (C) of this section, or (ii) the percentage of the new 10331
basic project cost determined under section 3318.032 of the 10332
Revised Code using the district's current percentile ranking under 10333
section 3318.011 of the Revised Code. The 10334

The commission shall deduct the expenditure of school 10335
district moneys made under division (D)(1) of this section from 10336
the school district's portion of the basic project cost as 10337
recalculated under this division. If the amount of school district 10338
resources applied by the school district board to the school 10339
district's portion of the basic project cost under this section is 10340
less than the total amount of such portion as recalculated under 10341
this division, the school district board by a majority vote of all 10342

of its members shall, if it desires to seek state assistance under 10343
sections 3318.01 to 3318.20 of the Revised Code, adopt a 10344
resolution as specified in section 3318.06 of the Revised Code to 10345
submit to the electors of the school district the question of 10346
approval of a bond issue in order to pay any additional amount of 10347
school district portion required for state assistance. Any tax 10348
levy approved under division (D) of this section satisfies the 10349
requirements to levy the additional tax under section 3318.06 of 10350
the Revised Code. 10351

(2) If the amount of school district resources applied by the 10352
school district board to the school district's portion of the 10353
basic project cost under this section is more than the total 10354
amount of such portion as recalculated under ~~this~~ division (E)(1) 10355
of this section, within one year after the school district's 10356
portion is so recalculated ~~under division (E)(1) of this section~~ 10357
the commission may grant to the school district the difference 10358
between the two calculated portions, but at no time shall the 10359
commission expend any state funds on a project in an amount 10360
greater than the state's portion of the basic project cost as 10361
recalculated under ~~this~~ division (E)(1) of this section. 10362

Any reimbursement under this division shall be only for local 10363
resources the school district has applied toward construction cost 10364
expenditures for the classroom facilities approved by the 10365
commission, which shall not include any financing costs associated 10366
with that construction. 10367

The school district board shall use any moneys reimbursed to 10368
the district under this division to pay off any debt service the 10369
district owes for classroom facilities constructed under its 10370
project under this section before such moneys are applied to any 10371
other purpose. However, the district board first may deposit 10372
moneys reimbursed under this division into the district's general 10373
fund or a permanent improvement fund to replace local resources 10374

the district withdrew from those funds, as long as, and to the extent that, those local resources were used by the district for constructing classroom facilities included in the district's basic project cost.

(3) A tangible personal property phase-out impacted district shall receive credit under division (E) of this section for the expenditure of local resources pursuant to any prior agreement authorized by this section, notwithstanding any recalculation of its average taxable value.

Sec. 3326.29. A STEM school established under this chapter may submit to the superintendent of public administration a request for a waiver from administering the state achievement assessments required under sections 3301.0710 and 3301.0712 of the Revised Code and related requirements specified under division (C)(2) of section 3302.15 of the Revised Code in the manner prescribed by that section as if it were a school district. A STEM school that obtains a waiver under section 3302.15 of the Revised Code shall comply with all provisions of that section as if it were a school district. A STEM school is presumptively eligible to request such a waiver.

Sec. 3345.56. Notwithstanding any provision of the Revised Code to the contrary, a student attending a state university as defined in section 3345.011 of the Revised Code is not an employee of the state university based upon the student's participation in an athletic program offered by the state university.

Sec. 3358.03. The government of a state community college district is vested in a board of nine trustees who shall be appointed by the governor, ~~from within the district,~~ with the advice and consent of the senate. Within ninety days after a state community college district is created pursuant to section 3358.02

of the Revised Code, the governor shall make initial appointments 10405
to the board. Of these appointments three shall be for terms 10406
ending two years after the date upon which the district was 10407
created, three shall be for terms ending four years after that 10408
date, and three shall be for terms ending six years after that 10409
date. Thereafter, the successive terms of trustees shall be for 10410
six years, each term ending on the same day of the same month of 10411
the year as did the term which it ~~succeeds~~ succeeds. Each trustee 10412
shall hold office from the date of ~~his~~ appointment until the end 10413
of the term for which ~~he~~ the trustee was appointed. Any trustee 10414
appointed to fill a vacancy occurring prior to the expiration of 10415
the term for which ~~his~~ the trustee's predecessor was appointed 10416
shall hold office for the remainder of such term. Any trustee 10417
shall continue in office subsequent to the expiration date of ~~his~~ 10418
the trustee's term until ~~his~~ the trustee's successor takes office, 10419
or until a period of sixty days has elapsed, whichever occurs 10420
first. Where a state community ~~college~~ college district succeeds to 10421
the operations of a state general and technical college, or a 10422
technical college district, the initial board of trustees of the 10423
district shall be composed of the members of the board of trustees 10424
of the state general and technical college, or a technical college 10425
district, to serve for the balance of their existing terms, and 10426
such additional number appointed by the governor, with the advice 10427
and consent of the senate, as will total nine members; and the 10428
terms of such members appointed by the governor originally and to 10429
all succeeding terms shall be such that, in combination with the 10430
original remaining terms of the members from the technical college 10431
district, the eventual result will be that three terms will expire 10432
every second year. Appointees shall be qualified electors ~~residing~~ 10433
~~in the state community college district~~ of the state. The trustees 10434
shall receive no compensation for their services, but may be paid 10435
for their reasonably necessary expenses while engaged in the 10436
discharge of their official duties. A majority of the board 10437

constitutes a quorum. 10438

Sec. 3517.20. (A)~~(1)~~ As used in this section: 10439

~~(a)~~(1) "Political publication for or against a candidate" 10440
means a notice, placard, advertisement, sample ballot, brochure, 10441
flyer, direct mailer, or other form of general publication that is 10442
designed to promote the nomination, election, or defeat of a 10443
candidate. 10444

~~(b)~~(2) "Political publication for or against an issue" means 10445
a notice, placard, advertisement, sample ballot, brochure, flyer, 10446
direct mailer, or other form of general publication that is 10447
designed to promote the adoption or defeat of a ballot issue or 10448
question or to influence the voters in an election. 10449

~~(c)~~(3) "Public political advertising" means newspapers, 10450
magazines, outdoor advertising facilities, direct mailings, or 10451
other similar types of general public political advertising, or 10452
flyers, handbills, or other nonperiodical printed matter. 10453

~~(d)~~(4) "Statewide candidate" has the same meaning as in 10454
section 3517.102 of the Revised Code. 10455

~~(e)~~(5) "Legislative candidate" means a candidate for the 10456
office of member of the general assembly. 10457

~~(f)~~(6) "Local candidate" means a candidate for an elective 10458
office of a political subdivision of this state. 10459

~~(g)~~(7) "Legislative campaign fund" has the same meaning as in 10460
section 3517.01 of the Revised Code. 10461

~~(h)~~(8) "Limited political action committee" means a political 10462
action committee of fewer than ten members. 10463

~~(i)~~(9) "Limited political contributing entity" means a 10464
political contributing entity of fewer than ten members. 10465

~~(j)~~(10) "Designated amount" means one hundred dollars in the 10466

case of a local candidate or a local ballot issue, two hundred 10467
fifty dollars in the case of a legislative candidate, or five 10468
hundred dollars in the case of a statewide candidate or a 10469
statewide ballot issue. 10470

~~(k)(11)~~ "To issue" includes to print, post, distribute, 10471
reproduce for distribution, or cause to be issued, printed, 10472
posted, distributed, or reproduced for distribution. 10473

~~(l)(12)~~ "Telephone bank" means more than five hundred 10474
telephone calls of an identical or substantially similar nature 10475
within any thirty-day period, whether those telephone calls are 10476
made by individual callers or by recording. 10477

~~(2)(a) No political party or other (B)(1) Except as otherwise~~ 10478
~~provided in division (B)(2) of this section, no entity, except a~~ 10479
~~political action committee, a political contributing entity, a~~ 10480
~~candidate, a legislative campaign fund, or a campaign committee,~~ 10481
~~shall issue a form of political publication for or against a~~ 10482
~~candidate, or shall make an expenditure for the purpose of~~ 10483
~~financing political communications in support of or opposition to~~ 10484
~~a candidate through public political advertising, do any of the~~ 10485
~~following unless the name and residence or business address of the~~ 10486
~~candidate or the chairperson, treasurer, or secretary of the~~ 10487
~~legislative campaign fund, political party, or other entity that~~ 10488
~~issues or otherwise is responsible for that political publication~~ 10489
~~or that makes an expenditure for that political communication~~ 10490
appears in a conspicuous place on ~~that political publication~~ or is 10491
contained or included within ~~that political communication~~ the 10492
publication, communication, or telephone call: 10493

(a) Issue a form of political publication in support of or 10494
opposition to a candidate or a ballot issue or question; 10495

(b) Make an expenditure for the purpose of financing 10496
political communications in support of or opposition to a 10497

candidate or a ballot issue or question through public political advertising; 10498
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(c) Utter or cause to be uttered, over the broadcasting facilities of any radio or television station within this state, any communication in support of or opposition to a candidate or a ballot issue or question or any communication that is designed to influence the voters in an election; 10500
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(d) Conduct a telephone bank for the purpose of supporting or opposing a candidate or a ballot issue or question or for the purpose of influencing the voters in an election. 10505
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~~(b) No candidate, legislative campaign fund, or campaign committee shall issue a form of political publication for or against a candidate, or shall make an expenditure for the purpose of financing political communications in support of or opposition to a candidate through public political advertising, unless the name of the entity appears in a conspicuous place on that political publication or is contained within that political communication.~~ 10508
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~~(3) No (2) A limited political action committee or limited political contributing entity shall may do either any of the following unless the without including its name and residence or business address of the chairperson, treasurer, or secretary of the limited political action committee or limited political contributing entity involved appears in a conspicuous place in the political publication for or against a candidate described in division (A)(3)(a) of this section or is contained within the political publication or communication described in division (A)(3)(b) of this section:~~ 10516
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(a) Issue a form of political publication for or against in support of or opposition to a candidate or a ballot issue or question that costs does not cost in excess of the designated 10526
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amount or that is not issued in cooperation, consultation, or 10529
concert with, or at the request or suggestion of, a candidate, a 10530
campaign committee, a legislative campaign fund, a political 10531
party, a political action committee with ten or more members, a 10532
political contributing entity with ten or more members, or a 10533
limited political action committee or limited political 10534
contributing entity that spends in excess of the designated amount 10535
on a related or the same or similar political publication ~~for or~~ 10536
~~against~~ in support of or opposition to a candidate or a ballot 10537
issue or question; 10538

(b) Make an expenditure that is not in excess of the 10539
designated amount in support of or opposition to a candidate or a 10540
ballot issue or question or make an expenditure that is not made 10541
in cooperation, consultation, or concert with, or at the request 10542
or suggestion of, a candidate, a campaign committee, a legislative 10543
campaign fund, a political party, a political action committee 10544
with ten or more members, a political contributing entity with ten 10545
or more members, or a limited political action committee or 10546
limited political contributing entity that spends in excess of the 10547
designated amount in support of or opposition to the same 10548
candidate or a ballot issue or question, for the purpose of 10549
financing political communications in support of or opposition to 10550
that candidate or a ballot issue or question through public 10551
political advertising. 10552

~~(4) No political action committee with ten or more members~~ 10553
~~and no political contributing entity with ten or more members~~ 10554
~~shall issue a form of political publication for or against a~~ 10555
~~candidate, or shall make an expenditure for the purpose of~~ 10556
~~financing political communications in support of or opposition to~~ 10557
~~a candidate through public political advertising, unless the name~~ 10558
~~and residence or business address of the chairperson, treasurer,~~ 10559
~~or secretary of the political action committee or political~~ 10560

~~contributing entity that issues or otherwise is responsible for 10561
that political publication or that makes an expenditure for that 10562
political communication through public political advertising 10563
appears in a conspicuous place in that political publication or is 10564
contained within that political communication. 10565~~

~~(5)(a) No corporation, labor organization, political party, 10566
or other entity, except a political action committee, a 10567
legislative campaign fund, or a campaign committee, shall issue a 10568
form of political publication for or against an issue, or shall 10569
make an expenditure for the purpose of financing political 10570
communications in support of or opposition to a ballot issue or 10571
question through public political advertising, unless the name and 10572
residence or business address of the chairperson, treasurer, or 10573
secretary of the corporation, labor organization, political party, 10574
or other entity that issues or otherwise is responsible for that 10575
political publication or that makes an expenditure for that 10576
political communication through public political advertising 10577
appears in a conspicuous place in that political publication or is 10578
contained within that political communication. 10579~~

~~(b) No campaign committee or legislative campaign fund shall 10580
issue a form of political publication for or against an issue, or 10581
shall make an expenditure for the purpose of financing political 10582
communications in support of or opposition to a ballot issue or 10583
question through public political advertising, unless the name of 10584
the campaign committee or legislative campaign fund appears in a 10585
conspicuous place in that political publication or is contained 10586
within that political communication. 10587~~

~~(6) No limited political action committee shall do either of 10588
the following unless the name and residence or business address of 10589
the chairperson, treasurer, or secretary of the limited political 10590
action committee involved appears in a conspicuous place in the 10591
political publication for or against a ballot issue described in 10592~~

~~division (A)(6)(a) of this section or is contained within the~~ 10593
~~political communication described in division (A)(6)(b) of this~~ 10594
~~section:~~ 10595

~~(a) Issue a form of political publication for or against a~~ 10596
~~ballot issue that costs in excess of the designated amount or that~~ 10597
~~is issued in cooperation, consultation, or concert with, or at the~~ 10598
~~request or suggestion of, a candidate, a campaign committee, a~~ 10599
~~legislative campaign fund, a political party, a political action~~ 10600
~~committee with ten or more members, or a limited political action~~ 10601
~~committee that spends in excess of the designated amount for a~~ 10602
~~related or the same or similar political publication for or~~ 10603
~~against an issue:~~ 10604

~~(b) Make an expenditure in excess of the designated amount in~~ 10605
~~support of or opposition to a ballot issue or make an expenditure~~ 10606
~~in cooperation, consultation, or concert with, or at the request~~ 10607
~~or suggestion of, a candidate, a campaign committee, a legislative~~ 10608
~~campaign fund, a political party, a political action committee~~ 10609
~~with ten or more members, or a limited political action committee~~ 10610
~~that spends in excess of the designated amount in support of or~~ 10611
~~opposition to the same ballot issue, for the purpose of financing~~ 10612
~~political communications in support of or opposition to that~~ 10613
~~ballot issue through public political advertising.~~ 10614

~~(7) No political action committee with ten or more members~~ 10615
~~shall issue a form of political publication for or against an~~ 10616
~~issue, or shall make an expenditure for the purpose of financing~~ 10617
~~political communications in support of or opposition to a ballot~~ 10618
~~issue or question through public political advertising, unless the~~ 10619
~~name and residence or business address of the chairperson,~~ 10620
~~treasurer, or secretary of the political action committee that~~ 10621
~~issues or otherwise is responsible for that political publication~~ 10622
~~or that makes an expenditure for that political communication~~ 10623
~~appears in a conspicuous place in that political publication or is~~ 10624

~~contained within that political communication.~~ 10625

~~(8) The disclaimer "paid political advertisement" is not 10626
sufficient to meet the requirements of this section.~~ 10627

~~(9) If the political publication described in division (A) of 10628
this section is issued by the regularly constituted central or 10629
executive committee of a political party that is organized as 10630
provided in this chapter, it shall be sufficiently identified if 10631
it bears the name of the committee and its chairperson or 10632
treasurer.~~ 10633

~~(10)(C) If more than one piece of printed matter or printed 10634
political communications are mailed as a single packet, the 10635
requirements of division (A)(B) of this section are met if one of 10636
the pieces of printed matter or printed political communications 10637
in the packet contains the name and residence or business address 10638
of the chairperson, treasurer, or secretary of the organization or 10639
entity that issues or is responsible for the printed matter or 10640
other printed political communications, except that if a campaign 10641
committee or legislative campaign fund mails more than one piece 10642
of printed matter or printed political communications as a single 10643
packet, the requirements of division (A) of this section are met 10644
if one of the pieces of printed matter or printed political 10645
communications in the packet contains the name of the campaign 10646
committee or legislative campaign fund.~~ 10647

~~(11)(D) This section does not apply to the transmittal of 10648
personal correspondence that is not reproduced by machine for 10649
general distribution.~~ 10650

~~(12)(E) The secretary of state, by rule, may exempt from the 10651
requirements of this section, printed matter and certain other 10652
kinds of printed communications such as campaign buttons, 10653
balloons, pencils, or similar items, the size or nature of which 10654
makes it unreasonable to add an identification or disclaimer.~~ 10655

~~(13)(F)~~ The disclaimer or identification described in 10656
division ~~(A)(B)~~ of this section, when paid for by a candidate, 10657
legislative campaign fund, or campaign committee, shall be 10658
identified by the words "paid for by" followed by the name of the 10659
entity. The identification or disclaimer may use reasonable 10660
abbreviations for common terms such as "committee". 10661

~~(B)(1) No candidate, campaign committee, legislative campaign 10662
fund, political party, political action committee, limited 10663
political action committee, political contributing entity, limited 10664
political contributing entity, or other entity shall utter or 10665
cause to be uttered, over the broadcasting facilities of any radio 10666
or television station within this state, any communication that is 10667
designed to promote the nomination, election, or defeat of a 10668
candidate, or the adoption or defeat of an issue or to influence 10669
the voters in an election, unless the speaker identifies the 10670
speaker with the speaker's name and residence address or unless 10671
the communication identifies the chairperson, treasurer, or 10672
secretary of the organization responsible for the communication 10673
with the name and residence or business address of that officer, 10674
except that communications by radio need not broadcast the 10675
residence or business address of the officer. However, a radio 10676
station, for a period of at least six months, shall keep the 10677
residence or business address on file and divulge it to any person 10678
upon request. 10679~~

The disclaimer "paid political advertisement" is not 10680
sufficient to meet the requirements of this section. 10681

(G)(1) No person operating a broadcast station or an organ of 10682
printed media shall broadcast or print a paid political 10683
communication that does not contain the identification required by 10684
this section. 10685

(2) Division (B)(1)(c) of this section does not apply to any 10686
communications made on behalf of a radio or television station or 10687

network by any employee of such radio or television station or 10688
network while acting in the course of the employee's employment. 10689

~~(3)(H)~~ No candidate or entity ~~described in division (B)(1) of~~ 10690
~~this section~~ shall use or cause to be used a false, fictitious, or 10691
fraudulent name or address in the making or issuing of a 10692
publication or communication included within the provisions of 10693
this section. 10694

~~(C) No candidate, campaign committee, legislative campaign~~ 10695
~~fund, political party, political action committee, limited~~ 10696
~~political action committee, political contributing entity, limited~~ 10697
~~political contributing entity, or other person or entity shall~~ 10698
~~conduct a telephone bank for the purpose of promoting the~~ 10699
~~nomination, election, or defeat of a candidate or the adoption or~~ 10700
~~defeat of an issue or to influence the voters in an election,~~ 10701
~~unless the call includes a disclaimer that identifies the name of~~ 10702
~~the candidate, campaign committee, legislative campaign fund,~~ 10703
~~political party, political action committee, limited political~~ 10704
~~action committee, political contributing entity, limited political~~ 10705
~~contributing entity, or other person or entity paying for the~~ 10706
~~telephone bank.~~ 10707

~~(D)(I)~~ Before a prosecution may commence under this section, 10708
a complaint shall be filed with the Ohio elections commission 10709
under section 3517.153 of the Revised Code. After the complaint is 10710
filed, the commission shall proceed in accordance with sections 10711
3517.154 to 3517.157 of the Revised Code. 10712

Sec. 3701.132. ~~The department of health is hereby designated~~ 10713
~~as the state agency to administer~~ As used in this section, "WIC 10714
program" means the "special supplemental nutrition program for 10715
women, infants, and children" established under the "Child 10716
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended. 10717
The 10718

The department of health is hereby designated as the state agency to administer the WIC program. The director of health may adopt rules pursuant to Chapter 119. of the Revised Code as necessary for administering the WIC program. The rules may include civil money penalties for violations of the rules.

In determining eligibility for services provided under the WIC program, the department may use the application form established under section ~~5111.013~~ 5163.40 of the Revised Code for the healthy start program. The department may require applicants to furnish their social security numbers.

If the department determines that a vendor has committed an act with respect to the WIC program that federal statutes or regulations or state statutes or rules prohibit, the department shall take action against the vendor in the manner required by 7 C.F.R. part 246, including imposition of a civil money penalty in accordance with 7 C.F.R. 246.12, or rules adopted under this section.

Sec. 3701.34. (A) The Ohio public health advisory board shall review and make recommendations to the director of health on all of the following:

(1) Developing and adopting proposed rules under Chapters 3701 and 3717 of the Administrative Code;

(2) Prescribing proposed fees for services provided by the office of vital statistics and the bureau of environmental health;

(3) Any proposed policy changes that pertain to entities serving or seeking to serve as vendors under the WIC program, as defined in section 3701.132 of the Revised Code, that are not addressed pursuant to division (A)(1) of this section.

(4) Issues to improve public health and increase awareness of public health issues at the state level, local level, or both;

~~(4)~~(5) Any other public health issues that the director requests the board to consider. 10749
10750

(B) ~~In making recommendations to the director under~~ For 10751
purposes of division (A)(1) of this section, all of the following 10752
apply: 10753

(1) Prior to filing a proposed rule with the joint committee 10754
on agency rule review, the department of health shall provide each 10755
board member with a copy of the proposed rule, copies of public 10756
comments received by the department during the public comment 10757
period, and written evidence of stakeholder involvement. 10758

(2) Prior to board meetings, copies of proposed rules shall 10759
be provided to members. On request of a member, the department 10760
shall ensure that appropriate department employees attend board 10761
meetings to answer questions concerning proposed rules. 10762

(3)(a) Not later than sixty days after receiving a copy of a 10763
proposed rule, the board shall recommend approval or disapproval 10764
of the rule and submit its recommendation by board action to the 10765
director. In making its recommendation, the board may consider 10766
public comments provided to the department or the board. 10767

(b) If the board fails to make a recommendation within sixty 10768
days of receiving a copy of the proposed rule, the director may 10769
file the proposed rule. 10770

(4) Except as provided in division (B)(3)(b) of this section, 10771
the director shall consider the board's recommendation before 10772
filing a proposed rule. On request of the board, the director 10773
shall meet with the board to discuss the board's recommendation. 10774

(5) If the director disagrees with the board's 10775
recommendation, the director shall inform the board in writing of 10776
the director's decision and the reason for the decision prior to 10777
the next quarterly meeting. The director or the director's 10778
designee may meet with the board at the next quarterly meeting to 10779

answer questions regarding why the director disagreed with the 10780
board's recommendation. 10781

~~(C)(6)~~ To the extent the board believes that a proposed rule 10782
does not comply with requirements established by the joint 10783
committee on agency rule review or the common sense initiative 10784
office, nothing in this section prohibits the board, in carrying 10785
out its duties under division (A)(1) of this section, from 10786
contacting the joint committee on agency rule review or the common 10787
sense initiative office. 10788

~~(D) In making recommendations under (C) For purposes of~~ 10789
division (A)(2) of this section ~~for prescribing proposed fees for~~ 10790
~~services provided by the bureau of environmental health,~~ the board 10791
and the department shall develop a cost methodology, subject to 10792
approval by the director, regarding proposed fees for services 10793
provided by the department's bureau of environmental health. 10794

(D) For purposes of division (A)(3) of this section, a 10795
proposed WIC program policy change shall be treated as if it were 10796
a proposed rule subject to division (A)(1) of this section and the 10797
board and other entities involved in reviewing and making 10798
recommendations regarding the change may follow all or part of the 10799
procedures described in division (B) of this section. 10800

(E) This section does not apply to the following: 10801

(1) A proposed rule that is to be refiled with the joint 10802
committee on agency rule review solely because of technical or 10803
other nonsubstantive revisions; 10804

(2) The emergency adoption, amendment, or rescission of a 10805
rule under division (F) of section 119.03 of the Revised Code. 10806

Sec. 3701.74. (A) As used in this section and section 10807
3701.741 of the Revised Code: 10808

(1) "Ambulatory care facility" means a facility that provides 10809

medical, diagnostic, or surgical treatment to patients who do not 10810
require hospitalization, including a dialysis center, ambulatory 10811
surgical facility, cardiac catheterization facility, diagnostic 10812
imaging center, extracorporeal shock wave lithotripsy center, home 10813
health agency, inpatient hospice, birthing center, radiation 10814
therapy center, emergency facility, and an urgent care center. 10815
"Ambulatory care facility" does not include the private office of 10816
a physician or dentist, whether the office is for an individual or 10817
group practice. 10818

(2) "Chiropractor" means an individual licensed under Chapter 10819
4734. of the Revised Code to practice chiropractic. 10820

(3) "Emergency facility" means a hospital emergency 10821
department or any other facility that provides emergency medical 10822
services. 10823

(4) "Health care practitioner" means all of the following: 10824

(a) A dentist or dental hygienist licensed under Chapter 10825
4715. of the Revised Code; 10826

(b) A registered or licensed practical nurse licensed under 10827
Chapter 4723. of the Revised Code; 10828

(c) An optometrist licensed under Chapter 4725. of the 10829
Revised Code; 10830

(d) A dispensing optician, spectacle dispensing optician, 10831
contact lens dispensing optician, or spectacle-contact lens 10832
dispensing optician licensed under Chapter 4725. of the Revised 10833
Code; 10834

(e) A pharmacist licensed under Chapter 4729. of the Revised 10835
Code; 10836

(f) A physician; 10837

(g) A physician assistant authorized under Chapter 4730. of 10838
the Revised Code to practice as a physician assistant; 10839

(h) A practitioner of a limited branch of medicine issued a certificate under Chapter 4731. of the Revised Code;	10840 10841
(i) A psychologist licensed under Chapter 4732. of the Revised Code;	10842 10843
(j) A chiropractor;	10844
(k) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;	10845 10846
(l) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	10847 10848
(m) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	10849 10850
(n) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	10851 10852
(o) A professional clinical counselor, professional counselor, social worker, or independent social worker licensed, or a social work assistant registered, under Chapter 4757. of the Revised Code;	10853 10854 10855 10856
(p) A dietitian licensed under Chapter 4759. of the Revised Code;	10857 10858
(q) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	10859 10860
(r) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code.	10861 10862 10863
(5) "Health care provider" means a hospital, ambulatory care facility, long-term care facility, pharmacy, emergency facility, or health care practitioner.	10864 10865 10866
(6) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.	10867 10868

(7) "Long-term care facility" means a nursing home, 10869
residential care facility, or home for the aging, as those terms 10870
are defined in section 3721.01 of the Revised Code; a residential 10871
facility licensed under section 5119.34 of the Revised Code that 10872
provides accommodations, supervision, and personal care services 10873
for three to sixteen unrelated adults; a nursing facility, as 10874
defined in section 5165.01 of the Revised Code; a skilled nursing 10875
facility, as defined in section 5165.01 of the Revised Code; and 10876
an intermediate care facility for individuals with intellectual 10877
disabilities, as defined in section 5124.01 of the Revised Code. 10878

(8) "Medical record" means data in any form that pertains to 10879
a patient's medical history, diagnosis, prognosis, or medical 10880
condition and that is generated and maintained by a health care 10881
provider in the process of the patient's health care treatment. 10882

(9) "Medical records company" means a person who stores, 10883
locates, or copies medical records for a health care provider, or 10884
is compensated for doing so by a health care provider, and charges 10885
a fee for providing medical records to a patient or patient's 10886
representative. 10887

(10) "Patient" means either of the following: 10888

(a) An individual who received health care treatment from a 10889
health care provider; 10890

(b) A guardian, as defined in section 1337.11 of the Revised 10891
Code, of an individual described in division (A)(10)(a) of this 10892
section. 10893

(11) "Patient's personal representative" means a minor 10894
patient's parent or other person acting in loco parentis, a 10895
court-appointed guardian, or a person with durable power of 10896
attorney for health care for a patient, the executor or 10897
administrator of the patient's estate, or the person responsible 10898
for the patient's estate if it is not to be probated. "Patient's 10899

personal representative" does not include an insurer authorized 10900
under Title XXXIX of the Revised Code to do the business of 10901
sickness and accident insurance in this state, a health insuring 10902
corporation holding a certificate of authority under Chapter 1751. 10903
of the Revised Code, or any other person not named in this 10904
division. 10905

(12) "Pharmacy" has the same meaning as in section 4729.01 of 10906
the Revised Code. 10907

(13) "Physician" means a person authorized under Chapter 10908
4731. of the Revised Code to practice medicine and surgery, 10909
osteopathic medicine and surgery, or podiatric medicine and 10910
surgery. 10911

(14) "Authorized person" means a person to whom a patient has 10912
given written authorization to act on the patient's behalf 10913
regarding the patient's medical record. 10914

(B) A patient, a patient's personal representative, or an 10915
authorized person who wishes to examine or obtain a copy of part 10916
or all of a medical record shall submit to the health care 10917
provider a written request signed by the patient, personal 10918
representative, or authorized person dated not more than one year 10919
before the date on which it is submitted. The request shall 10920
indicate whether the copy is to be sent to the requestor, 10921
physician or chiropractor, or held for the requestor at the office 10922
of the health care provider. Within a reasonable time after 10923
receiving a request that meets the requirements of this division 10924
and includes sufficient information to identify the record 10925
requested, a health care provider that has the patient's medical 10926
records shall permit the patient to examine the record during 10927
regular business hours without charge or, on request, shall 10928
provide a copy of the record in accordance with section 3701.741 10929
of the Revised Code, except that if a physician or chiropractor 10930
who has treated the patient determines for clearly stated 10931

treatment reasons that disclosure of the requested record is 10932
likely to have an adverse effect on the patient, the health care 10933
provider shall provide the record to a physician or chiropractor 10934
designated by the patient. The health care provider shall take 10935
reasonable steps to establish the identity of the person making 10936
the request to examine or obtain a copy of the patient's record. 10937

(C) If a health care provider fails to furnish a medical 10938
record as required by division (B) of this section, the patient, 10939
personal representative, or authorized person who requested the 10940
record may bring a civil action to enforce the patient's right of 10941
access to the record. 10942

(D)(1) This section does not apply to medical records whose 10943
release is covered by section 173.20 or 3721.13 of the Revised 10944
Code, by Chapter 1347., 5119., or 5122. of the Revised Code, by 42 10945
C.F.R. part 2, "Confidentiality of Alcohol and Drug Abuse Patient 10946
Records," or by 42 C.F.R. 483.10. 10947

(2) Nothing in this section is intended to supersede the 10948
confidentiality provisions of sections 2305.24, 2305.25, 2305.251, 10949
and 2305.252 of the Revised Code. 10950

Sec. 3701.83. ~~(A)~~ There is hereby created in the state 10951
treasury the general operations fund. Moneys in the fund shall be 10952
used for the purposes specified in sections 3701.04, 3701.344, 10953
3702.20, 3710.15, 3711.16, 3717.45, 3718.06, 3721.02, 3721.022, 10954
3729.07, 3733.43, 3748.04, 3748.05, 3748.07, 3748.12, 3748.13, 10955
3749.04, 3749.07, 4747.04, and 4769.09 of the Revised Code. 10956

~~(B) The alcohol testing program fund is hereby created in the 10957
state treasury. The director of health shall use the fund to 10958
administer and enforce the alcohol testing and permit program 10959
authorized by section 3701.143 of the Revised Code. 10960~~

~~The fund shall receive transfers from the liquor control fund 10961~~

~~created under section 4301.12 of the Revised Code. All investment 10962
earnings of the alcohol testing program fund shall be credited to 10963
the fund. 10964~~

Sec. 3702.511. (A) Except as provided in division (B) of this 10965
section, the following activities are reviewable under sections 10966
3702.51 to 3702.62 of the Revised Code: 10967

(1) Establishment, development, or construction of a new 10968
long-term care facility; 10969

(2) Replacement of an existing long-term care facility; 10970

(3) Renovation of or addition to a long-term care facility 10971
that involves a capital expenditure of two million dollars or 10972
more, not including expenditures for equipment, staffing, or 10973
operational costs; 10974

~~(4) Either of the following changes in long-term care bed 10975
capacity: 10976~~

~~(a) An increase in long-term care bed capacity; 10977~~

~~(b)(5) A relocation of long-term care beds from one physical 10978
facility or site to another, excluding relocation of beds within a 10979
long-term care facility or among buildings of a long-term care 10980
facility at the same site. 10981~~

~~(5) Any change in the bed capacity or site, or any other 10982
failure to conduct a reviewable activity in substantial accordance 10983
with the approved application for which a certificate of need 10984
concerning long-term care beds was granted, if the change is made 10985
within five years after the implementation of the reviewable 10986
activity for which the certificate was granted; 10987~~

(6) Expenditure of more than one hundred ten per cent of the 10988
maximum expenditure specified in a certificate of need concerning 10989
long-term care beds. 10990

(B) The following activities are not subject to review under sections 3702.51 to 3702.62 of the Revised Code:	10991 10992
(1) Acquisition of computer hardware or software;	10993
(2) Acquisition of a telephone system;	10994
(3) Construction or acquisition of parking facilities;	10995
(4) Correction of cited deficiencies that constitute an imminent threat to public health or safety and are in violation of federal, state, or local fire, building, or safety statutes, ordinances, rules, or regulations;	10996 10997 10998 10999
(5) Acquisition of an existing long-term care facility that does not involve a change in the number of the beds;	11000 11001
(6) Mergers, consolidations, or other corporate reorganizations of long-term care facilities that do not involve a change in the number of beds;	11002 11003 11004
(7) Construction, repair, or renovation of bathroom facilities;	11005 11006
(8) Construction of laundry facilities, waste disposal facilities, dietary department projects, heating and air conditioning projects, administrative offices, and portions of medical office buildings used exclusively for physician services;	11007 11008 11009 11010
(9) Removal of asbestos from a health care facility.	11011
Only that portion of a project that is described in this division is not reviewable.	11012 11013
Sec. 3702.52. The director of health shall administer a state certificate of need program in accordance with sections 3702.51 to 3702.62 of the Revised Code and rules adopted under those sections.	11014 11015 11016 11017
(A) The director shall issue rulings on whether a particular proposed project is a reviewable activity. The director shall	11018 11019

issue a ruling not later than forty-five days after receiving a 11020
request for a ruling accompanied by the information needed to make 11021
the ruling. If the director does not issue a ruling in that time, 11022
the project shall be considered to have been ruled not a 11023
reviewable activity. 11024

(B)(1) Each application for a certificate of need shall be 11025
submitted to the director on forms and in the manner prescribed by 11026
the director. Each application shall include a plan for obligating 11027
the capital expenditures or implementing the proposed project on a 11028
timely basis in accordance with section 3702.524 of the Revised 11029
Code. Each application shall also include all other information 11030
required by rules adopted under division (B) of section 3702.57 of 11031
the Revised Code. 11032

(2) Each application shall be accompanied by the application 11033
fee established in rules adopted under division (G) of section 11034
3702.57 of the Revised Code. Application fees received by the 11035
director under this division shall be deposited into the state 11036
treasury to the credit of the certificate of need fund, which is 11037
hereby created. The director shall use the fund only to pay the 11038
costs of administering sections 3702.11 to 3702.20, 3702.30, and 11039
3702.51 to 3702.62 of the Revised Code and rules adopted under 11040
those sections. An application fee is nonrefundable unless the 11041
director determines that the application cannot be accepted. 11042

(3) The director shall review applications for certificates 11043
of need. As part of a review, the director shall determine whether 11044
an application is complete. The director shall not consider an 11045
application to be complete unless the application meets all 11046
criteria for a complete application specified in rules adopted 11047
under section 3702.57 of the Revised Code. The director shall mail 11048
to the applicant a written notice that the application is 11049
complete, or a written request for additional information, not 11050
later than thirty days after receiving an application or a 11051

response to an earlier request for information. Except as provided 11052
in section 3702.522 of the Revised Code, the director shall not 11053
make more than two requests for additional information. The 11054
director's determination that an application is not complete is 11055
final and not subject to appeal. 11056

(4) Except as necessary to comply with a subpoena issued 11057
under division (F) of this section, after a notice of completeness 11058
has been received, no person shall make revisions to information 11059
that was submitted to the director before the director mailed the 11060
notice of completeness or knowingly discuss in person or by 11061
telephone the merits of the application with the director. A 11062
person may supplement an application after a notice of 11063
completeness has been received by submitting clarifying 11064
information to the director. 11065

(C) All of the following apply to the process of granting or 11066
denying a certificate of need: 11067

(1) If the project proposed in a certificate of need 11068
application meets all of the applicable certificate of need 11069
criteria for approval under sections 3702.51 to 3702.62 of the 11070
Revised Code and the rules adopted under those sections, the 11071
director shall grant a certificate of need for all or part of the 11072
project that is the subject of the application by the applicable 11073
deadline specified in division (C)(4) of this section or any 11074
extension of it under division (C)(5) of this section. 11075

(2) The director's grant of a certificate of need does not 11076
affect, and sets no precedent for, the director's decision to 11077
grant or deny other applications for similar reviewable 11078
activities. 11079

(3) Any affected person may submit written comments regarding 11080
an application. The director shall consider all written comments 11081
received by the ~~thirtieth~~ forty-fifth day after ~~mailing the notice~~ 11082

~~of completeness or, in the case of applications under comparative review, by the thirtieth day after the application is submitted to the director mails the last notice of completeness.~~

(4) Except as provided in division (C)(5) of this section, the director shall grant or deny certificate of need applications not later than sixty days after mailing the notice of completeness.

(5) Except as otherwise provided in division (C)(6) of this section, the director or the applicant may extend the deadline prescribed in division (C)(4) of this section once, for no longer than thirty days, by written notice before the end of the deadline prescribed by division (C)(4) of this section. An extension by the director under division (C)(5) of this section shall apply to all applications that are in comparative review.

(6) No applicant in a comparative review may extend the deadline specified in division (C)(4) of this section.

(7) If the director does not grant or deny the certificate by the applicable deadline specified in division (C)(4) of this section or any extension of it under division (C)(5) of this section, the certificate shall be considered to have been granted.

(8) In granting a certificate of need, the director shall specify as the maximum capital expenditure the certificate holder may obligate under the certificate a figure equal to one hundred ten per cent of the approved project cost.

(9) In granting a certificate of need, the director may grant the certificate with conditions that must be met by the holder of the certificate.

(D) When a certificate of need is granted for a project under which beds are to be relocated, upon completion of the project for which the certificate of need was granted a number of beds equal to the number of beds relocated shall cease to be operated in the

long-term care facility from which they are relocated, except that 11114
the beds may continue to be operated for not more than fifteen 11115
days to allow relocation of residents to the facility to which the 11116
beds have been relocated. Notwithstanding section 3721.03 of the 11117
Revised Code, if the relocated beds are in a home licensed under 11118
Chapter 3721. of the Revised Code, the facility's license is 11119
automatically reduced by the number of beds relocated effective 11120
fifteen days after the beds are relocated. If the beds are in a 11121
facility that is certified as a skilled nursing facility or 11122
nursing facility under Title XVIII or XIX of the "Social Security 11123
Act," the certification for the beds shall be surrendered. If the 11124
beds are registered under section 3701.07 of the Revised Code as 11125
skilled nursing beds or long-term care beds, the director shall 11126
remove the beds from registration not later than fifteen days 11127
after the beds are relocated. 11128

(E) ~~The director shall monitor the activities of persons~~ 11129
~~granted certificates of need during~~ During the period beginning 11130
with the granting of ~~the~~ a certificate of need and ending five 11131
years after implementation of the reviewable activity for which 11132
the certificate was granted, the director shall monitor the 11133
activities of the person granted the certificate to determine 11134
whether the reviewable activity is conducted in substantial 11135
accordance with the certificate. A reviewable activity shall not 11136
be determined to be not in substantial accordance with the 11137
certificate of need solely because of a decrease in bed capacity. 11138

(F) When reviewing applications for certificates of need, 11139
considering appeals under section 3702.60 of the Revised Code, or 11140
monitoring activities of persons granted certificates of need, the 11141
director may issue and enforce, in the manner provided in section 11142
119.09 of the Revised Code, subpoenas and subpoenas duces tecum to 11143
compel a person to testify and produce documents relevant to 11144
review of the application, consideration of the appeal, or 11145

monitoring of the activities. In addition, the director or the 11146
director's designee may visit the sites where the activities are 11147
or will be conducted. 11148

(G) The director may withdraw certificates of need. 11149

(H) All long-term care facilities shall submit to the 11150
director, upon request, any information prescribed by rules 11151
adopted under division (H) of section 3702.57 of the Revised Code 11152
that is necessary to conduct reviews of certificate of need 11153
applications and to develop criteria for reviews. 11154

(I) Any decision to grant or deny a certificate of need shall 11155
consider the special needs and circumstances resulting from moral 11156
and ethical values and the free exercise of religious rights of 11157
long-term care facilities administered by religious organizations, 11158
and the special needs and circumstances of inner city and rural 11159
communities. 11160

Sec. 3702.526. (A) Except as provided in division (B) of this 11161
section, the director of health shall accept an application for a 11162
replacement certificate of need for an activity described in 11163
division (A)~~(5)~~ of section 3702.511 of the Revised Code to replace 11164
an approved certificate of need ~~for that activity~~ if all of the 11165
following conditions are met: 11166

(1) The applicant requests the replacement certificate of 11167
need so that the reviewable activity for which the approved 11168
certificate of need was granted can be implemented in a manner 11169
that is not in substantial accordance with the approved 11170
certificate of need. 11171

(2) The applicant is the same as the applicant for the 11172
approved certificate of need or an affiliated or related person as 11173
described in division (B) of section 3702.523 of the Revised Code. 11174

~~(2)~~(3) The source of any long-term care beds to be relocated 11175

is the same as in the approved certificate of need. 11176

~~(3)~~(4) The application for the approved certificate of need 11177
was not subject to comparative review under section 3702.593 of 11178
the Revised Code. 11179

(B) The director shall not accept an application for a 11180
replacement certificate that proposes to increase the number of 11181
long-term care beds to be relocated specified in the application 11182
for the approved certificate of need. 11183

(C) For the purpose of determining whether long-term care 11184
beds are from an existing long-term care facility, the director 11185
shall consider the date of filing of the application for a 11186
replacement certificate to be the same as the date of filing of 11187
the original application for the approved certificate of need. 11188

(D) Any long-term care beds that were ~~approved~~ proposed to be 11189
relocated in the approved certificate of need remain ~~approved~~ 11190
eligible to be recategorized as a different category of long-term 11191
care beds in the application for a replacement certificate. 11192

(E) The applicant shall submit with the application for a 11193
replacement certificate a nonrefundable fee equal to the 11194
application fee for the approved certificate of need. 11195

(F) The director shall review and approve or deny the 11196
application for the replacement certificate in the same manner as 11197
the application for the approved certificate of need. 11198

(G) Upon approval of the application for a replacement 11199
certificate, the original certificate of need is automatically 11200
voided. 11201

Sec. 3702.59. (A) The director of health shall accept for 11202
review certificate of need applications as provided in sections 11203
3702.592, 3702.593, and 3702.594 of the Revised Code. 11204

(B)(1) The director shall not approve an application for a 11205

certificate of need for the addition of long-term care beds to an existing long-term care facility or for the development of a new long-term care facility if any of the following apply:

(a) The existing long-term care facility in which the beds are being placed has one or more waivers for life safety code deficiencies, one or more state fire code violations, or one or more state building code violations, and the project identified in the application does not propose to correct all life safety code deficiencies for which a waiver has been granted, all state fire code violations, and all state building code violations at the existing long-term care facility in which the beds are being placed;

(b) During the sixty-month period preceding the filing of the application, a notice of proposed license revocation was issued under section 3721.03 of the Revised Code for the existing long-term care facility in which the beds are being placed or a nursing home owned or operated by the applicant or a principal participant.

(c) During the period that precedes the filing of the application and is encompassed by the three most recent standard surveys of the existing long-term care facility in which the beds are being placed, any of the following occurred:

(i) The facility was cited on three or more separate occasions for final, nonappealable actual harm but not immediate jeopardy deficiencies.

(ii) The facility was cited on two or more separate occasions for final, nonappealable immediate jeopardy deficiencies.

(iii) The facility was cited on two separate occasions for final, nonappealable actual harm but not immediate jeopardy deficiencies and on one occasion for a final, nonappealable immediate jeopardy deficiency.

(d) More than two nursing homes owned or operated in this state by the applicant or a principal participant or, if the applicant or a principal participant owns or operates more than twenty nursing homes in this state, more than ten per cent of those nursing homes, were each cited during the period that precedes the filing of the application for the certificate of need and is encompassed by the three most recent standard surveys of the nursing homes that were so cited in any of the following manners:

(i) On three or more separate occasions for final, nonappealable actual harm but not immediate jeopardy deficiencies;

(ii) On two or more separate occasions for final, nonappealable immediate jeopardy deficiencies;

(iii) On two separate occasions for final, nonappealable actual harm but not immediate jeopardy deficiencies and on one occasion for a final, nonappealable immediate jeopardy deficiency.

(2) In applying divisions (B)(1)(a) to (d) of this section, the director shall not consider deficiencies or violations cited before the applicant or a principal participant acquired or began to own or operate the long-term care facility at which the deficiencies or violations were cited. The director may disregard deficiencies and violations cited after the long-term care facility was acquired or began to be operated by the applicant or a principal participant if the deficiencies or violations were attributable to circumstances that arose under the previous owner or operator and the applicant or principal participant has implemented measures to alleviate the circumstances. In the case of an application proposing development of a new long-term care facility by relocation of beds, the director shall not consider deficiencies or violations that were solely attributable to the physical plant of the existing long-term care facility from which the beds are being relocated.

(C) The director also shall accept for review any application 11269
for the conversion of infirmary beds to long-term care beds if the 11270
infirmary meets all of the following conditions: 11271

(1) Is operated exclusively by a religious order; 11272

(2) Provides care exclusively to members of religious orders 11273
who take vows of celibacy and live by virtue of their vows within 11274
the orders as if related; 11275

(3) Was providing care exclusively to members of such a 11276
religious order on January 1, 1994. 11277

(D) Notwithstanding division (C)(2) of this section, a 11278
facility that has been granted a certificate of need under 11279
division (C) of this section may provide care to any of the 11280
following family members of the individuals described in division 11281
(C)(2) of this section: mothers, fathers, brothers, sisters, 11282
brothers-in-law, sisters-in-law, or children. Such a facility may 11283
also provide care to any individual who has been designated an 11284
associate member by the religious order that operates the 11285
facility. 11286

The long-term care beds in a facility that have been granted 11287
a certificate of need under division (C) of this section may not 11288
be relocated pursuant to sections 3702.592 to 3702.594 of the 11289
Revised Code. 11290

Sec. 3702.71. As used in sections 3702.71 to 3702.81 of the 11291
Revised Code: 11292

(A) "Full-time practice" means working a minimum of forty 11293
hours per week for a minimum of forty-five weeks each service 11294
year. 11295

(B) "Part-time practice" means working a minimum of twenty 11296
and a maximum of thirty-nine hours per week for a minimum of 11297
forty-five weeks per service year. 11298

(C) "Primary care physician" means an individual who is 11299
authorized under Chapter 4731. of the Revised Code to practice 11300
medicine and surgery or osteopathic medicine and surgery and is 11301
board certified or board eligible in a primary care specialty. 11302

~~(B)~~(D) "Primary care service" means professional 11303
comprehensive personal health services, which may include health 11304
education and disease prevention, treatment of uncomplicated 11305
health problems, diagnosis of chronic health problems, overall 11306
management of health care services for an individual or a family, 11307
and the services of a psychiatrist. "Primary care service" also 11308
includes providing the initial contact for health care services 11309
~~and~~, making referrals for secondary and tertiary care and for 11310
continuity of health care services, and teaching activities to the 11311
extent specified in a contract entered into pursuant to section 11312
3702.74 of the Revised Code. 11313

~~(C)~~(E) "Primary care specialty" means general internal 11314
medicine, pediatrics, adolescent medicine, obstetrics and 11315
gynecology, psychiatry, child and adolescent psychiatry, geriatric 11316
psychiatry, combined internal medicine and pediatrics, geriatrics, 11317
or family practice. 11318

(F) "Teaching activities" means supervising medical students 11319
and medical residents at the service site specified in the letter 11320
of intent described in section 3702.73 of the Revised Code. 11321

Sec. 3702.74. (A) A primary care physician who has signed a 11322
letter of intent under section 3702.73 of the Revised Code and the 11323
director of health may enter into a contract for the physician's 11324
participation in the physician loan repayment program. The 11325
physician's employer or other funding source may also be a party 11326
to the contract. 11327

(B) The contract shall include all of the following 11328
obligations: 11329

(1) The primary care physician agrees to provide primary care services in the health resource shortage area identified in the letter of intent for ~~at least two years~~ the number of hours and duration specified in the contract;

(2) When providing primary care services in the health resource shortage area, the primary care physician agrees to do all of the following:

(a) Provide primary care services ~~for a minimum of forty hours per week, of which at least twenty one hours will be spent providing patient care~~ in an outpatient or ambulatory setting approved by the department of health;

(b) Provide primary care services without regard to a patient's ability to pay;

(c) Meet the requirements for a medicaid provider agreement and enter into the agreement with the department of medicaid to provide primary care services to medicaid recipients.

(3) The department of health agrees, as provided in section 3702.75 of the Revised Code, to repay, so long as the primary care physician performs the service obligation agreed to under division (B)(1) of this section, all or part of the principal and interest of a government or other educational loan taken by the primary care physician for expenses described in section 3702.75 of the Revised Code;

(4) The primary care physician agrees to pay the department of health an amount established by rules adopted under section 3702.79 of the Revised Code if the physician fails to complete the service obligation agreed to under division (B)(1) of this section.

(C) The contract ~~may include any other terms agreed upon by the parties~~ shall include the following terms as agreed upon by the parties:

(1) The primary care physician's required length of service in the health resource shortage area, which must be at least two years; 11361
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(2) The number of weekly hours the primary care physician will be engaged in full-time practice or part-time practice in the health resource shortage area; 11364
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(3) The maximum amount that the department will repay on behalf of the primary care physician; 11367
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(4) The extent to which the primary care physician's teaching activities will be counted toward the physician's full-time practice or part-time practice hours under the contract. 11369
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(D) If the amount specified in division (C)(3) of this section includes funds from the bureau of clinician recruitment and service in the United States department of health and human services, the amount of state funds repaid on the individual's behalf shall be the same as the amount of those funds. 11372
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Sec. 3702.75. There is hereby created the physician loan repayment program. Under the program, the department of health, by means of a contract provision under division (B)(3) of section 3702.74 of the Revised Code, may agree to repay all or part of the principal and interest of a government or other educational loan taken by a primary care physician for the following expenses, so long as the expenses were incurred while the physician was enrolled in, for up to a maximum of four years, a medical school or osteopathic medical school in the United States that was, during the time enrolled, accredited by the liaison committee on medical education or the American osteopathic association, or a medical school or osteopathic medical school located outside the United States that was, during the time enrolled, acknowledged by the world health organization and verified by a member state of that organization as operating within the state's jurisdiction: 11377
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(A) Tuition;	11392
(B) Other educational expenses, such as fees, books, and laboratory expenses, for specific purposes and in amounts determined to be reasonable by the director of health;	11393 11394 11395
(C) Room and board, in an amount determined reasonable by the director of health.	11396 11397
In the first and second years, no repayment shall exceed twenty five thousand dollars in each year. In the third and fourth years, no repayment shall exceed thirty five thousand dollars in each year. If, however, a repayment results in an increase in the primary care physician's federal, state, or local income tax liability, at the physician's request, the department may reimburse the physician for the increased tax liability, regardless of the amount of the repayment made to the physician in that year.	11398 11399 11400 11401 11402 11403 11404 11405 11406
Not later than the thirty first day of January each year, the department shall mail to each physician to whom or on whose behalf repayment is made under this section a statement showing the amount repaid by the department pursuant to the contract in the preceding year. The statement shall be sent by ordinary mail with address correction and forwarding requested in the manner prescribed by the United States postal service.	11407 11408 11409 11410 11411 11412 11413
Sec. 3702.91. (A) <u>As used in this section:</u>	11414
<u>(1) "Full-time practice" and "part-time practice" have the same meanings as in section 3702.71 of the Revised Code;</u>	11415 11416
<u>(2) "Teaching activities" means supervising dental students and dental residents at the service site specified in the letter of intent described in section 3702.90 of the Revised Code.</u>	11417 11418 11419
<u>(B) An individual who has signed a letter of intent under section 3702.90 of the Revised Code may enter into a contract with</u>	11420 11421

the director of health for participation in the dentist loan 11422
repayment program. The dentist's employer or other funding source 11423
may also be a party to the contract. 11424

~~(B)~~(C) The contract shall include all of the following 11425
obligations: 11426

(1) The individual agrees to provide dental services in the 11427
dental health resource shortage area identified in the letter of 11428
intent for ~~at least two years~~ the number of hours and duration 11429
specified in the contract. 11430

(2) When providing dental services in the dental health 11431
resource shortage area, the individual agrees to do all of the 11432
following: 11433

(a) Provide dental services ~~for a minimum of forty hours per~~ 11434
~~week~~ in a service site approved by the department of health; 11435

(b) Provide dental services without regard to a patient's 11436
ability to pay; 11437

(c) Meet the requirements for a medicaid provider agreement 11438
and enter into the agreement with the department of medicaid to 11439
provide dental services to medicaid recipients. 11440

(3) The department of health agrees, as provided in section 11441
3702.85 of the Revised Code, to repay, so long as the individual 11442
performs the service obligation agreed to under division ~~(B)~~(C)(1) 11443
of this section, all or part of the principal and interest of a 11444
government or other educational loan taken by the individual for 11445
expenses described in section 3702.85 of the Revised Code. 11446

(4) The individual agrees to pay the department of health an 11447
amount established by rules adopted under section 3702.86 of the 11448
Revised Code, if the individual fails to complete the service 11449
obligation agreed to under division ~~(B)~~(C)(1) of this section. 11450

~~(C)~~(D) The contract ~~may~~ shall include ~~any other~~ the following 11451

terms as agreed upon by the parties: 11452

(1) The individual's required length of service in the dental health resource shortage area, which must be at least two years; 11453
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(2) The number of weekly hours the individual will be engaged in full-time practice or part-time practice; 11455
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(3) The maximum amount that the department will repay on behalf of the individual; 11457
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(4) The extent to which the individual's teaching activities will be counted toward the individual's full-time practice or part-time practice hours under the contract. 11459
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~~(D) Not later than the thirty first day of January of each year, the department of health shall mail to each individual to whom or on whose behalf repayment is made under the dentist loan repayment program a statement showing the amount of principal and interest repaid by the department pursuant to the contract in the preceding year. The statement shall be sent by ordinary mail with address correction and forwarding requested in the manner prescribed by the United States postal service.~~ 11462
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(E) If the amount specified in division (D)(3) of this section includes funds from the bureau of clinician recruitment and service in the United States department of health and human services, the amount of state funds repaid on the individual's behalf shall be the same as the amount of those funds. 11470
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Sec. 3702.95. The director of health may accept gifts of money from any source for the implementation and administration of sections 3702.85 to ~~3702.93~~ 3702.92 of the Revised Code. 11475
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The director shall pay all gifts accepted under this section into the state treasury, to the credit of the dental health resource shortage area fund, which is hereby created, and all damages collected under division ~~(B)~~(C)(4) of section 3702.91 of 11478
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the Revised Code, into the state treasury, to the credit of the 11482
dentist loan repayment fund, which is hereby created. 11483

The director shall use the dental health resource shortage 11484
area and dentist loan repayment funds for the implementation and 11485
administration of sections 3702.85 to 3702.95 of the Revised Code. 11486

Sec. 3721.02. (A) As used in this section, "residential 11487
facility" means a residential facility licensed under section 11488
5119.34 of the Revised Code that provides accommodations, 11489
supervision, and personal care services for three to sixteen 11490
unrelated adults. 11491

(B)(1) The director of health shall license homes and 11492
establish procedures to be followed in inspecting and licensing 11493
homes. The director may inspect a home at any time. Each home 11494
shall be inspected by the director at least once prior to the 11495
issuance of a license and at least once every fifteen months 11496
thereafter. The state fire marshal or a township, municipal, or 11497
other legally constituted fire department approved by the marshal 11498
shall also inspect a home prior to issuance of a license, at least 11499
once every fifteen months thereafter, and at any other time 11500
requested by the director. A home does not have to be inspected 11501
prior to issuance of a license by the director, state fire 11502
marshal, or a fire department if ownership of the home is assigned 11503
or transferred to a different person and the home was licensed 11504
under this chapter immediately prior to the assignment or 11505
transfer. The director may enter at any time, for the purposes of 11506
investigation, any institution, residence, facility, or other 11507
structure that has been reported to the director or that the 11508
director has reasonable cause to believe is operating as a nursing 11509
home, residential care facility, or home for the aging without a 11510
valid license required by section 3721.05 of the Revised Code or, 11511
in the case of a county home or district home, is operating 11512

despite the revocation of its residential care facility license. 11513
The director may delegate the director's authority and duties 11514
under this chapter to any division, bureau, agency, or official of 11515
the department of health. 11516

(2)(a) If, prior to issuance of a license, a home submits a 11517
request for an expedited licensing inspection and the request is 11518
submitted in a manner and form approved by the director, the 11519
director shall commence an inspection of the home not later than 11520
ten business days after receiving the request. 11521

(b) On request, submitted in a manner and form approved by 11522
the director, the director may review plans for a building that is 11523
to be used as a home for compliance with applicable state and 11524
local building and safety codes. 11525

(c) The director may charge a fee for an expedited licensing 11526
inspection or a plan review that is adequate to cover the expense 11527
of expediting the inspection or reviewing the plans. The fee shall 11528
be deposited in the state treasury to the credit of the general 11529
operations fund created in section 3701.83 of the Revised Code and 11530
used solely for expediting inspections and reviewing plans. 11531

(C) A single facility may be licensed both as a nursing home 11532
pursuant to this chapter and as a residential facility pursuant to 11533
section 5119.34 of the Revised Code if the director determines 11534
that the part or unit to be licensed as a nursing home can be 11535
maintained separate and discrete from the part or unit to be 11536
licensed as a residential facility. 11537

(D) In determining the number of residents in a home for the 11538
purpose of licensing, the director shall consider all the 11539
individuals for whom the home provides accommodations as one group 11540
unless one of the following is the case: 11541

(1) The home is a home for the aging, in which case all the 11542
individuals in the part or unit licensed as a nursing home shall 11543

be considered as one group, and all the individuals in the part or unit licensed as a rest home shall be considered as another group.

(2) The home is both a nursing home and a residential facility. In that case, all the individuals in the part or unit licensed as a nursing home shall be considered as one group, and all the individuals in the part or unit licensed as an adult care facility shall be considered as another group.

(3) The home maintains, in addition to a nursing home or residential care facility, a separate and discrete part or unit that provides accommodations to individuals who do not require or receive skilled nursing care and do not receive personal care services from the home, in which case the individuals in the separate and discrete part or unit shall not be considered in determining the number of residents in the home if the separate and discrete part or unit is in compliance with the Ohio basic building code established by the board of building standards under Chapters 3781. and 3791. of the Revised Code and the home permits the director, on request, to inspect the separate and discrete part or unit and speak with the individuals residing there, if they consent, to determine whether the separate and discrete part or unit meets the requirements of this division.

(E)(1) The director of health shall charge the following application fee and annual renewal licensing and inspection fee for each fifty persons or part thereof of a home's licensed capacity:

(a) For state fiscal year 2010, two hundred twenty dollars;

(b) For state fiscal year 2011, two hundred seventy dollars;

(c) For each state fiscal year thereafter, three hundred twenty dollars.

(2) All fees collected by the director for the issuance or renewal of licenses shall be deposited into the state treasury to

the credit of the general operations fund created in section 11575
3701.83 of the Revised Code for use only in administering and 11576
enforcing this chapter and rules adopted under it. 11577

(F)(1) Except as otherwise provided in this section, the 11578
results of an inspection or investigation of a home that is 11579
conducted under this section, including any statement of 11580
deficiencies and all findings and deficiencies cited in the 11581
statement on the basis of the inspection or investigation, shall 11582
be used solely to determine the home's compliance with this 11583
chapter or another chapter of the Revised Code in any action or 11584
proceeding other than an action commenced under division (I) of 11585
section 3721.17 of the Revised Code. Those results of an 11586
inspection or investigation, that statement of deficiencies, and 11587
the findings and deficiencies cited in that statement shall not be 11588
used in any court or in any action or proceeding that is pending 11589
in any court and are not admissible in evidence in any action or 11590
proceeding unless that action or proceeding is an appeal of an 11591
action by the department of health under this chapter or is an 11592
action by any department or agency of the state to enforce this 11593
chapter or another chapter of the Revised Code. 11594

(2) Nothing in division ~~(E)~~(F)(1) of this section prohibits 11595
the results of an inspection or investigation conducted under this 11596
section from being used in a criminal investigation or 11597
prosecution. 11598

Sec. 3721.122. Before an individual is admitted as a resident 11599
to a home, the home's administrator shall search for the 11600
individual's name in the internet-based sex offender and 11601
child-victim offender database established under division (A)(11) 11602
of section 2950.13 of the Revised Code. If the search results 11603
identify the individual as a sex offender and the individual is 11604
admitted as a resident to the home, the administrator shall 11605

provide for the home to do all of the following: 11606

(A) Develop a plan of care to protect the other residents' rights to a safe environment and to be free from abuse; 11607
11608

(B) Notify all of the home's other residents and their sponsors that a sex offender has been admitted as a resident to the home and include in the notice a description of the plan of care developed under division (A) of this section; 11609
11610
11611
11612

(C) Direct the individual in updating the individual's address under section 2950.05 of the Revised Code and, if the individual is unable to do so without assistance, provide the assistance the individual needs to update the individual's address under that section. 11613
11614
11615
11616
11617

Sec. 3730.09. (A) Each operator of a business that offers tattooing or body piercing services shall do all of the following: 11618
11619

(1) Maintain procedures for ensuring that the individuals who perform tattooing or body piercing procedures are adequately trained to perform the procedures properly; 11620
11621
11622

(2) With respect to tattooing services, maintain written records that include the color, manufacturer, and lot number of each pigment used for each tattoo performed; 11623
11624
11625

(3) Comply with the safety and sanitation requirements for preventing transmission of infectious diseases, as established in rules adopted under section 3730.10 of the Revised Code; 11626
11627
11628

~~(4) Require the individuals who perform tattooing and body piercing procedures to disinfect and sterilize~~ Ensure that all 11629
11630
invasive equipment or parts of equipment used in performing the tattooing and body piercing procedures are disinfected and 11631
11632
sterilized by using methods that meet the disinfection and 11633
sterilization requirements established in rules adopted under 11634

section 3730.10 of the Revised Code; 11635

(5) Ensure that weekly tests of the business's heat 11636
sterilization devices are performed to determine whether the 11637
devices are functioning properly. In having the devices tested, 11638
the operator of the business shall use a biological monitoring 11639
system that indicates whether the devices are killing 11640
microorganisms. If a test indicates that a device is not 11641
functioning properly, the operator shall take immediate remedial 11642
action to ensure that heat sterilization is being accomplished. 11643
The operator shall maintain documentation that the weekly tests 11644
are being performed. To comply with the documentation requirement, 11645
the documents must consist of a log that indicates the date on 11646
which each test is performed and the name of the person who 11647
performed the test or, if a test was conducted by an independent 11648
testing entity, a copy of the entity's testing report. The 11649
operator shall maintain records of each test performed for at 11650
least two years. 11651

(B) Each operator of a business that offers ear piercing 11652
services performed with an ear piercing gun shall require the 11653
individuals who perform the ear piercing services to disinfect and 11654
sterilize the ear piercing gun by using chemical solutions that 11655
meet the disinfection and sterilization requirements established 11656
in rules adopted under section 3730.10 of the Revised Code. 11657

Sec. 3735.31. A metropolitan housing authority created under 11658
sections 3735.27 to 3735.50 of the Revised Code, constitutes a 11659
body corporate and politic. Nothing in this chapter shall limit 11660
the authority of a metropolitan housing authority, or a nonprofit 11661
corporation formed by a metropolitan housing authority to carry 11662
out its functions, to compete for and perform federal housing 11663
contracts or grants within or outside this state. To clear, plan, 11664
and rebuild slum areas within the district in which the authority 11665

is created, to provide safe and sanitary housing accommodations to 11666
families of low income within that district, or to accomplish any 11667
combination of the foregoing purposes, the authority may do any of 11668
the following: 11669

(A) Sue and be sued; have a seal; have corporate succession; 11670
receive grants from state, federal, or other governments, or from 11671
private sources; conduct investigations into housing and living 11672
conditions; enter any buildings or property in order to conduct 11673
its investigations; conduct examinations, subpoena, and require 11674
the attendance of witnesses and the production of books and 11675
papers; issue commissions for the examination of witnesses who are 11676
out of the state or unable to attend before the authority or 11677
excused from attendance; and in connection with these powers, any 11678
member of the authority may administer oaths, take affidavits, and 11679
issue subpoenas; 11680

(B) Determine what areas constitute slum areas, and prepare 11681
plans for housing projects in those areas; purchase, lease, sell, 11682
exchange, transfer, assign, or mortgage any property, real or 11683
personal, or any interest in that property, or acquire the same by 11684
gift, bequest, or eminent domain; own, hold, clear, and improve 11685
property; provide and set aside housing projects, or dwelling 11686
units comprising portions of housing projects, designed especially 11687
for the use of families, the head of which or the spouse of which 11688
is sixty-five years of age or older; engage in, or contract for, 11689
the construction, reconstruction, alteration, or repair, or both, 11690
of any housing project or part of any housing project; include in 11691
any contract let in connection with a project, stipulations 11692
requiring that the contractor and any subcontractors comply with 11693
requirements as to minimum wages and maximum hours of labor, and 11694
comply with any conditions that the federal government has 11695
attached to its financial aid of the project; lease or operate, or 11696
both, any project, and establish or revise schedules of rents for 11697

any projects or part of any project; arrange with the county or 11698
municipal corporations, or both, for the planning and replanning 11699
of streets, alleys, and other public places or facilities in 11700
connection with any area or project; borrow money upon its notes, 11701
debentures, or other evidences of indebtedness, and secure the 11702
same by mortgages upon property held or to be held by it, or by 11703
pledge of its revenues, or in any other manner; invest any funds 11704
held in reserves or sinking funds or not required for immediate 11705
disbursements; execute contracts and all other instruments 11706
necessary or convenient to the exercise of the powers granted in 11707
this section; make, amend, and repeal bylaws and rules to carry 11708
into effect its powers and purposes; 11709

(C) Borrow money or accept grants or other financial 11710
assistance from the federal government for or in aid of any 11711
housing project within its territorial limits; take over or lease 11712
or manage any housing project or undertaking constructed or owned 11713
by the federal government; comply with any conditions and enter 11714
into any mortgages, trust indentures, leases, or agreements that 11715
are necessary, convenient, or desirable; 11716

(D) Subject to section 3735.311 of the Revised Code, employ a 11717
police force to protect the lives and property of the residents of 11718
housing projects within the district, to preserve the peace in the 11719
housing projects, and to enforce the laws, ordinances, and 11720
regulations of this state and its political subdivisions in the 11721
housing projects and, when authorized by law, outside the limits 11722
of the housing projects. 11723

(E) Enter into an agreement with a county, municipal 11724
corporation, or township in whose jurisdiction the metropolitan 11725
housing authority is located that permits metropolitan housing 11726
authority police officers employed under division (D) of this 11727
section to exercise full arrest powers as provided in section 11728
2935.03 of the Revised Code, perform any police function, exercise 11729

any police power, or render any police service within specified 11730
areas of the county, municipal corporation, or township for the 11731
purpose of preserving the peace and enforcing all laws of the 11732
state, ordinances of the municipal corporation, or regulations of 11733
the township. 11734

Sec. 3735.67. (A) The owner of real property located in a 11735
community reinvestment area and eligible for exemption from 11736
taxation under a resolution adopted pursuant to section 3735.66 of 11737
the Revised Code may file an application for an exemption from 11738
real property taxation of a percentage of the assessed valuation 11739
of a new structure or remodeling, completed after the effective 11740
date of the resolution adopted pursuant to section 3735.66 of the 11741
Revised Code, with the housing officer designated pursuant to 11742
section 3735.66 of the Revised Code for the community reinvestment 11743
area in which the property is located. If any part of the new 11744
structure or remodeling that would be exempted is of real property 11745
to be used for commercial or industrial purposes, the legislative 11746
authority and the owner of the property shall enter into a written 11747
agreement pursuant to section 3735.671 of the Revised Code prior 11748
to commencement of construction or remodeling; if such an 11749
agreement is subject to approval by the board of education of the 11750
school district within the territory of which the property is or 11751
will be located, the agreement shall not be formally approved by 11752
the legislative authority until the board of education approves 11753
the agreement in the manner prescribed by that section. 11754

(B) The housing officer shall verify the construction of the 11755
new structure or the cost of the remodeling and the facts asserted 11756
in the application. The housing officer shall determine whether 11757
the construction or the cost of the remodeling meets the 11758
requirements for an exemption under this section. In cases 11759
involving a structure of historical or architectural significance, 11760
the housing officer shall not determine whether the remodeling 11761

meets the requirements for a tax exemption unless the 11762
appropriateness of the remodeling has been certified, in writing, 11763
by the society, association, agency, or legislative authority that 11764
has designated the structure or by any organization or person 11765
authorized, in writing, by such society, association, agency, or 11766
legislative authority to certify the appropriateness of the 11767
remodeling. 11768

(C) If the construction or remodeling meets the requirements 11769
for exemption, the housing officer shall forward the application 11770
to the county auditor with a certification as to the division of 11771
this section under which the exemption is granted, and the period 11772
and percentage of the exemption as determined by the legislative 11773
authority pursuant to that division. If the construction or 11774
remodeling is of commercial or industrial property and the 11775
legislative authority is not required to certify a copy of a 11776
resolution under section 3735.671 of the Revised Code, the housing 11777
officer shall comply with the notice requirements prescribed under 11778
section 5709.83 of the Revised Code, unless the board has adopted 11779
a resolution under that section waiving its right to receive such 11780
a notice. 11781

(D) Except as provided in division (F) of this section, the 11782
tax exemption shall first apply in the year the construction or 11783
remodeling would first be taxable but for this section. In the 11784
case of remodeling that qualifies for exemption, a percentage, not 11785
to exceed one hundred per cent, of the amount by which the 11786
remodeling increased the assessed value of the structure shall be 11787
exempted from real property taxation. In the case of construction 11788
of a structure that qualifies for exemption, a percentage, not to 11789
exceed one hundred per cent, of the assessed value of the 11790
structure shall be exempted from real property taxation. In either 11791
case, the percentage shall be the percentage set forth in the 11792
agreement if the structure or remodeling is to be used for 11793

commercial or industrial purposes, or the percentage set forth in 11794
the resolution describing the community reinvestment area if the 11795
structure or remodeling is to be used for residential purposes. 11796

The construction of new structures and the remodeling of 11797
existing structures are hereby declared to be a public purpose for 11798
which exemptions from real property taxation may be granted for 11799
the following periods: 11800

(1) For every dwelling containing not more than two family 11801
units located within the same community reinvestment area and upon 11802
which the cost of remodeling is at least two thousand five hundred 11803
dollars, a period to be determined by the legislative authority 11804
adopting the resolution describing the community reinvestment area 11805
where the dwelling is located, but not exceeding ten years unless 11806
extended pursuant to division (D)(3) of this section; 11807

(2) For every dwelling containing more than two units and 11808
commercial or industrial properties, located within the same 11809
community reinvestment area, upon which the cost of remodeling is 11810
at least five thousand dollars, a period to be determined by the 11811
legislative authority adopting the resolution, but not exceeding 11812
twelve years unless extended pursuant to division (D)(3) of this 11813
section; 11814

(3) The period of exemption for a dwelling described in 11815
division (D)(1) or (2) of this section may be extended by a 11816
legislative authority for up to an additional ten years if the 11817
dwelling is a structure of historical or architectural 11818
significance, is a certified historic structure that has been 11819
subject to federal tax treatment under 26 U.S.C. 47 and 170(h), 11820
and units within the structure have been leased to individual 11821
tenants for five consecutive years; 11822

(4) Except as provided in division (F) of this section, for 11823
construction of every dwelling, and commercial or industrial 11824

structure located within the same community reinvestment area, a 11825
period to be determined by the legislative authority adopting the 11826
resolution, but not exceeding fifteen years. 11827

(E) Any person, board, or officer authorized by section 11828
5715.19 of the Revised Code to file complaints or counterclaims to 11829
complaints with the county board of revision may file a complaint 11830
with the housing officer challenging the continued exemption of 11831
any property granted an exemption under this section. A complaint 11832
against exemption shall be filed prior to the thirty-first day of 11833
December of the tax year for which taxation of the property is 11834
requested. The housing officer shall determine whether the 11835
property continues to meet the requirements for exemption and 11836
shall certify the housing officer's findings to the complainant. 11837
If the housing officer determines that the property does not meet 11838
the requirements for exemption, the housing officer shall notify 11839
the county auditor, who shall correct the tax list and duplicate 11840
accordingly. 11841

(F) The owner of a dwelling constructed in a community 11842
reinvestment area may file an application for an exemption after 11843
the year the construction first became subject to taxation. The 11844
application shall be processed in accordance with the procedures 11845
prescribed under this section and shall be granted if the 11846
construction that is the subject of the application otherwise 11847
meets the requirements for an exemption under this section. If 11848
approved, the exemption sought in the application first applies in 11849
the year the application is filed. An exemption approved pursuant 11850
to this division continues only for those years remaining in the 11851
period described in division (D)(4) of this section. No exemption 11852
may be claimed for any year in that period that precedes the year 11853
in which the application is filed. 11854

Sec. 3737.02. (A) The fire marshal may collect fees to cover 11855

the costs of performing inspections and other duties that the fire marshal is authorized or required by law to perform. Except as provided in division (B) of this section, all fees collected by the fire marshal shall be deposited to the credit of the fire marshal's fund.

(B)(1) All of the following shall be credited to the underground storage tank administration fund, which is hereby created in the state treasury:

~~(1)~~(a) Fees collected under sections 3737.88 and 3737.881 of the Revised Code for operation of the underground storage tank and underground storage tank installer certification programs;

~~(2)~~(b) Moneys recovered under section 3737.89 of the Revised Code for the state's costs of undertaking corrective or enforcement actions under that section or section 3737.882 of the Revised Code;

~~(3)~~(c) Fines and penalties collected under section 3737.882 of the Revised Code;

~~(4)~~ Amounts repaid for underground storage tank revolving loans under section 3737.883 and other moneys, including corrective action enforcement case settlements or bankruptcy case awards or settlements, received by the fire marshal under sections 3737.88 to 3737.89 of the Revised Code.

~~(C)~~(2) All interest earned on moneys credited to the underground storage tank administration fund shall be credited to the fund. Moneys credited to the underground storage tank administration fund shall be used by the fire marshal for implementation and enforcement of underground storage tank, corrective action, and installer certification programs under sections 3737.88 to 3737.89 of the Revised Code. ~~Only moneys described in divisions (B)(3) and (4) of this section may be used by the fire marshal to make underground storage tank revolving~~

~~loans under section 3737.883 of the Revised Code, and no other~~ 11887
~~moneys may be used to make those loans.~~ 11888

(D)(C) There is hereby created in the state treasury the 11889
underground storage tank revolving loan fund. The fund shall 11890
consist of amounts repaid for underground storage tank revolving 11891
loans under section 3737.883 of the Revised Code and moneys 11892
described in division (B)(1)(c) of this section that are allocated 11893
to the fund in accordance with division (D)(1) of this section. 11894
Moneys in the fund shall be used by the fire marshal to make 11895
underground storage tank revolving loans under section 3737.883 of 11896
the Revised Code. 11897

(D)(1) If the director of commerce determines that the cash 11898
balance in the underground storage tank administration fund is in 11899
excess of the amount needed for implementation and enforcement of 11900
the underground storage tank, corrective action, and installer 11901
certification programs under sections 3737.88 to 3737.89 of the 11902
Revised Code, the director may certify the excess amount to the 11903
director of budget and management. Upon certification, the 11904
director of budget and management may transfer from the 11905
underground storage tank administration fund to the underground 11906
storage tank revolving loan fund any amount up to, but not 11907
exceeding, the amount certified by the director of commerce, 11908
provided the amount transferred consists only of moneys described 11909
in division (B)(1)(c) of this section. 11910

(2) If the director of commerce determines that the cash 11911
balance in the underground storage tank administration fund is 11912
insufficient to implement and enforce the underground storage 11913
tank, corrective action, and installer certification programs 11914
under sections 3737.88 to 3737.89 of the Revised Code, the 11915
director may certify the amount needed to the director of budget 11916
and management. Upon certification, the director of budget and 11917
management may transfer from the underground storage tank 11918

revolving loan fund to the underground storage tank administration 11919
fund any amount up to, but not exceeding, the amount certified by 11920
the director of commerce. 11921

(E) The fire marshal shall take all actions necessary to 11922
obtain any federal funding available to carry out the fire 11923
marshal's responsibilities under sections 3737.88 to 3737.89 of 11924
the Revised Code and federal laws regarding the cleaning up of 11925
releases of petroleum, as "release" is defined in section 3737.87 11926
of the Revised Code, including, without limitation, any federal 11927
funds that are available to reimburse the state for the costs of 11928
undertaking corrective actions for such releases of petroleum. The 11929
state may, when appropriate, return to the United States any 11930
federal funds recovered under sections 3737.882 and 3737.89 of the 11931
Revised Code. 11932

Sec. 3745.71. (A) Except as otherwise provided in division 11933
(C) of this section, the owner or operator of a facility or 11934
property who conducts an environmental audit of one or more 11935
activities at the facility or property has a privilege with 11936
respect to both of the following: 11937

(1) The contents of an environmental audit report that is 11938
based on the audit; 11939

(2) The contents of communications between the owner or 11940
operator and employees or contractors of the owner or operator, or 11941
among employees or contractors of the owner or operator, that are 11942
necessary to the audit and are made in good faith as part of the 11943
audit after the employee or contractor is notified that the 11944
communication is part of the audit. 11945

(B) Except as otherwise provided in or ordered pursuant to 11946
this section, information that is privileged under this section is 11947
not admissible as evidence or subject to discovery in any civil or 11948
administrative proceeding and a person who possesses such 11949

information as a result of conducting or participating in an 11950
environmental audit shall not be compelled to testify in any civil 11951
or administrative proceeding concerning the privileged portions of 11952
the environmental audit. 11953

(C) The privilege provided in this section does not apply to 11954
criminal investigations or proceedings. Where an audit report is 11955
obtained, reviewed, or used in a criminal proceeding, the 11956
privilege provided in this section applicable to civil or 11957
administrative proceedings is not waived or eliminated. 11958
Furthermore, the privilege provided in this section does not apply 11959
to particular information under any of the following 11960
circumstances: 11961

(1) The privilege is not asserted with respect to that 11962
information by the owner or operator to whom the privilege 11963
belongs. 11964

(2) The owner or operator to whom the privilege belongs 11965
voluntarily testifies, or has provided written authorization to an 11966
employee, contractor, or agent to testify on behalf of the owner 11967
or operator, as to that information. 11968

(3) A court of record in a civil proceeding or the tribunal 11969
or presiding officer in an administrative proceeding finds, 11970
pursuant to this section, that the privilege does not apply to 11971
that information. 11972

(4) The information is required by law to be collected, 11973
developed, maintained, reported, disclosed publicly, or otherwise 11974
made available to a government agency. 11975

(5) The information is obtained from a source other than an 11976
environmental audit report, including, without limitation, 11977
observation, sampling, monitoring, a communication, a record, or a 11978
report that is not part of the audit on which the audit report is 11979
based. 11980

(6) The information is collected, developed, made, or maintained in bad faith or for a fraudulent purpose.	11981 11982
(7) The owner or operator to whom the privilege belongs waives the privilege, in whole or in part, explicitly or by engaging in conduct that manifests a clear intent that the information not be privileged. If an owner or operator introduces part of an environmental audit report into evidence in a civil or administrative proceeding to prove that the owner or operator did not violate, or is no longer violating, any environmental laws, the privilege provided by this section is waived with respect to all information in the audit report that is relevant to that issue.	11983 11984 11985 11986 11987 11988 11989 11990 11991 11992
(8)(a) The information shows evidence of noncompliance with environmental laws and the owner or operator fails to do any of the following:	11993 11994 11995
(i) Promptly initiate reasonable efforts to achieve compliance upon discovery of the noncompliance through an environmental audit;	11996 11997 11998
(ii) Pursue compliance with reasonable diligence;	11999
(iii) Achieve compliance within a reasonable time.	12000
(b) "Reasonable diligence" includes, without limitation, compliance with section 3745.72 of the Revised Code.	12001 12002
(9) The information contains evidence that a government agency federally authorized, approved, or delegated to enforce environmental laws has reasonable cause to believe is necessary to prevent imminent and substantial endangerment or harm to human health or the environment.	12003 12004 12005 12006 12007
(10) Any circumstance in which both of the following apply:	12008
(a) The information contains evidence regarding an alleged violation of environmental laws and a government agency charged	12009 12010

with enforcing any of those laws has a substantial need for the 12011
information to protect public health or safety or to prevent 12012
substantial harm to property or the environment. 12013

(b) The government agency is unable to obtain the substantial 12014
equivalent of the information by other means without unreasonable 12015
delay or expense. 12016

(11) The information consists of personal knowledge of an 12017
individual who did not obtain that information as part of an 12018
environmental audit. 12019

(12) The information is not clearly identified as part of an 12020
environmental audit report. For purposes of this section, clear 12021
identification of information as part of an environmental audit 12022
report includes, without limitation, either of the following: 12023

(a) The information is contained in a document and the front 12024
cover, the first page, or a comparable part of the document is 12025
prominently labeled with "environmental audit report: privileged 12026
information" or substantially comparable language. 12027

(b) The information is contained in an electronic record and 12028
the record is programmed to display or print prominently 12029
"environmental audit report: privileged information" or 12030
substantially comparable language before the privileged 12031
information is displayed or printed. 12032

(13) The information existed prior to the initiation of the 12033
environmental audit under division (A) of section 3745.70 of the 12034
Revised Code. 12035

(D) If the privilege provided in this section belongs to an 12036
owner or operator who is not an individual, the privilege may be 12037
asserted or waived, in whole or in part, on behalf of the owner or 12038
operator only by an officer, manager, partner, or other comparable 12039
person who has a fiduciary relationship with the owner or operator 12040
and is authorized generally to act on behalf of the owner or 12041

operator or is a person who is authorized specifically to assert 12042
or waive the privilege. 12043

(E) A person asserting the privilege provided in this section 12044
has the burden of proving the applicability of the privilege by a 12045
preponderance of the evidence. If a person seeking disclosure of 12046
information with respect to which a privilege is asserted under 12047
this section shows evidence of noncompliance with environmental 12048
laws pursuant to division (C)(8) of this section, the person 12049
asserting the privilege also has the burden of proving by a 12050
preponderance of the evidence that reasonable efforts to achieve 12051
compliance with those laws were initiated promptly and that 12052
compliance was pursued with reasonable diligence and achieved 12053
within a reasonable time. 12054

(F) When determining whether the privilege provided by this 12055
section applies to particular information, a court of record that 12056
is not acting pursuant to division (G) of this section, or the 12057
tribunal or presiding officer in an administrative proceeding, 12058
shall conduct an in camera review of the information in a manner 12059
consistent with applicable rules of procedure. 12060

(G)(1) The prosecuting attorney of a county or the attorney 12061
general, having probable cause to believe, based on information 12062
obtained from a source other than an environmental audit report, 12063
that a violation has been committed under environmental laws for 12064
which a civil or administrative action may be initiated, may 12065
obtain information with respect to which a privilege is asserted 12066
under this section pursuant to a search warrant, subpoena, or 12067
discovery under the Rules of Civil Procedure. The prosecuting 12068
attorney or the attorney general immediately shall place the 12069
information under seal and shall not review or disclose its 12070
contents. 12071

(2) Not later than sixty days after receiving an 12072
environmental audit report under division (G)(1) of this section, 12073

the prosecuting attorney or the attorney general may file with the 12074
court of common pleas of a county in which there is proper venue 12075
to bring a civil or administrative action pertaining to the 12076
alleged violation a petition requesting an in camera hearing to 12077
determine if the information described in division (G)(1) of this 12078
section is subject to disclosure under this section. Failure to 12079
file such a petition shall cause the information to be released to 12080
the owner or operator to whom it belongs. 12081

(3) Upon the filing of a petition under division (G)(2) of 12082
this section, the court shall issue an order scheduling an in 12083
camera hearing, not later than forty-five days after the filing of 12084
the petition, to determine if any or all of the information 12085
described in division (G)(1) of this section is subject to 12086
disclosure under this section. The order shall allow the 12087
prosecuting attorney or the attorney general to remove the seal 12088
from the report in order to review it and shall place appropriate 12089
limitations on distribution and review of the report to protect 12090
against unnecessary disclosure. 12091

(4) The prosecuting attorney or the attorney general may 12092
consult with government agencies regarding the contents of the 12093
report to prepare for the in camera hearing. Information described 12094
in division (G)(1) of this section that is used by the prosecuting 12095
attorney or the attorney general to prepare for the in camera 12096
hearing shall not be used by the prosecuting attorney, the 12097
attorney general, an employee or agent of either of them, or an 12098
agency described in division (G)(4) of this section in any 12099
investigation or proceeding against the respondent, and otherwise 12100
shall be kept confidential, unless the information is subject to 12101
disclosure under this section. 12102

(5) The parties may stipulate that information contained in 12103
an environmental audit report is or is not subject to disclosure 12104
under this section. 12105

(6) If the court determines that information described in 12106
division (G)(1) of this section is subject to disclosure under 12107
this section, the court shall compel disclosure under this section 12108
of only the information that is relevant to the proceeding 12109
described in division (G)(1) of this section. 12110

(H) Nothing in this section affects the nature, scope, or 12111
application of any privilege of confidentiality or nondisclosure 12112
recognized under another section of the Revised Code or the common 12113
law of this state, including, without limitation, the work product 12114
doctrine and attorney-client privilege. 12115

(I) The privilege provided by this section applies only to 12116
information and communications that are part of environmental 12117
audits initiated after March 13, 1997, ~~and completed before~~ 12118
~~January 1, 2014,~~ in accordance with the time frames specified in 12119
division (A) of section 3745.70 of the Revised Code. 12120

Sec. 3772.02. (A) There is hereby created the Ohio casino 12121
control commission described in Section 6(C)(1) of Article XV, 12122
Ohio Constitution. 12123

(B) The commission shall consist of seven members appointed 12124
within one month of ~~the effective date of this section~~ September 12125
10, 2010, by the governor with the advice and consent of the 12126
senate. The governor shall forward all appointments to the senate 12127
within twenty-four hours. 12128

(1) Each commission member is eligible for reappointment at 12129
the discretion of the governor. No commission member shall be 12130
appointed for more than three terms in total. 12131

(2) Each commission member shall be a resident of Ohio. 12132

(3) At least one commission member shall be experienced in 12133
law enforcement and criminal investigation. 12134

(4) At least one commission member shall be a certified 12135

public accountant experienced in accounting and auditing. 12136

(5) At least one commission member shall be an attorney 12137
admitted to the practice of law in Ohio. 12138

(6) At least one commission member shall be a resident of a 12139
county where one of the casino facilities is located. 12140

(7) Not more than four commission members shall be of the 12141
same political party. 12142

(8) No commission member shall have any affiliation with an 12143
Ohio casino operator or facility. 12144

(C) Commission members shall serve four-year terms, except 12145
that when the governor makes initial appointments to the 12146
commission under this chapter, the governor shall appoint three 12147
members to serve four-year terms with not more than two such 12148
members from the same political party, two members to serve 12149
three-year terms with such members not being from the same 12150
political party, and two members to serve two-year terms with such 12151
members not being from the same political party. 12152

(D) Each commission member shall hold office from the date of 12153
appointment until the end of the term for which the member was 12154
appointed. Any member appointed to fill a vacancy occurring before 12155
the expiration of the term for which the member's predecessor was 12156
appointed shall hold office for the remainder of the unexpired 12157
term. Any member shall continue in office after the expiration 12158
date of the member's term until the member's successor takes 12159
office, or until a period of sixty days has elapsed, whichever 12160
occurs first. A vacancy in the commission membership shall be 12161
filled in the same manner as the original appointment. 12162

(E) The governor shall select one member to serve as 12163
chairperson and the commission members shall select one member 12164
from a different party than the chairperson to serve as 12165
vice-chairperson. The governor may remove and replace the 12166

chairperson at any time. No such member shall serve as chairperson 12167
for more than six successive years. The vice-chairperson shall 12168
assume the duties of the chairperson in the absence of the 12169
chairperson. The chairperson and vice-chairperson shall perform 12170
but shall not be limited to additional duties as are prescribed by 12171
commission rule. 12172

(F) A commission member is not required to devote the 12173
member's full time to membership on the commission. Each member of 12174
the commission shall receive compensation of ~~sixty~~ thirty thousand 12175
dollars per year, payable in monthly installments ~~for the first~~ 12176
~~four years of the commission's existence~~. Each member shall 12177
receive the member's actual and necessary expenses incurred in the 12178
discharge of the member's official duties. 12179

(G) The governor shall not appoint an individual to the 12180
commission, and an individual shall not serve on the commission, 12181
if the individual has been convicted of or pleaded guilty or no 12182
contest to a disqualifying offense as defined in section 3772.07 12183
of the Revised Code. Members coming under indictment or bill of 12184
information of a disqualifying offense shall resign from the 12185
commission immediately upon indictment. 12186

(H) At least five commission members shall be present for the 12187
commission to meet. The concurrence of four members is necessary 12188
for the commission to take any action. All members shall vote on 12189
the adoption of rules, and the approval of, and the suspension or 12190
revocation of, the licenses of casino operators or management 12191
companies, unless a member has a written leave of absence filed 12192
with and approved by the chairperson. 12193

(I) A commission member may be removed or suspended from 12194
office in accordance with section 3.04 of the Revised Code. 12195

(J) Each commission member, before entering upon the 12196
discharge of the member's official duties, shall make an oath to 12197

uphold the Ohio Constitution and laws of the state of Ohio and 12198
shall give a bond, payable by the commission, to the treasurer of 12199
state, in the sum of ten thousand dollars with sufficient sureties 12200
to be approved by the treasurer of state, which bond shall be 12201
filed with the secretary of state. 12202

(K) The commission shall hold one regular meeting each month 12203
and shall convene other meetings at the request of the chairperson 12204
or a majority of the members. A member who fails to attend at 12205
least three-fifths of the regular and special meetings of the 12206
commission during any two-year period forfeits membership on the 12207
commission. All meetings of the commission shall be open meetings 12208
under section 121.22 of the Revised Code except as otherwise 12209
allowed by law. 12210

Sec. 4121.443. Each contract the administrator of workers' 12211
compensation enters into with a managed care organization under 12212
division (B)(4) of section 4121.44 of the Revised Code shall 12213
require the managed care organization to enter into a data 12214
security agreement with the state board of pharmacy governing the 12215
managed care organization's use of the board's drug database 12216
established and maintained under section 4729.75 of the Revised 12217
Code. 12218

This section does not apply if the board no longer maintains 12219
the drug database. 12220

Sec. 4141.01. As used in this chapter, unless the context 12221
otherwise requires: 12222

(A)(1) "Employer" means the state, its instrumentalities, its 12223
political subdivisions and their instrumentalities, Indian tribes, 12224
and any individual or type of organization including any 12225
partnership, limited liability company, association, trust, 12226
estate, joint-stock company, insurance company, or corporation, 12227

whether domestic or foreign, or the receiver, trustee in 12228
bankruptcy, trustee, or the successor thereof, or the legal 12229
representative of a deceased person who subsequent to December 31, 12230
1971, or in the case of political subdivisions or their 12231
instrumentalities, subsequent to December 31, 1973: 12232

(a) Had in employment at least one individual, or in the case 12233
of a nonprofit organization, subsequent to December 31, 1973, had 12234
not less than four individuals in employment for some portion of a 12235
day in each of twenty different calendar weeks, in either the 12236
current or the preceding calendar year whether or not the same 12237
individual was in employment in each such day; or 12238

(b) Except for a nonprofit organization, had paid for service 12239
in employment wages of fifteen hundred dollars or more in any 12240
calendar quarter in either the current or preceding calendar year; 12241
or 12242

(c) Had paid, subsequent to December 31, 1977, for employment 12243
in domestic service in a local college club, or local chapter of a 12244
college fraternity or sorority, cash remuneration of one thousand 12245
dollars or more in any calendar quarter in the current calendar 12246
year or the preceding calendar year, or had paid subsequent to 12247
December 31, 1977, for employment in domestic service in a private 12248
home cash remuneration of one thousand dollars in any calendar 12249
quarter in the current calendar year or the preceding calendar 12250
year: 12251

(i) For the purposes of divisions (A)(1)(a) and (b) of this 12252
section, there shall not be taken into account any wages paid to, 12253
or employment of, an individual performing domestic service as 12254
described in this division. 12255

(ii) An employer under this division shall not be an employer 12256
with respect to wages paid for any services other than domestic 12257
service unless the employer is also found to be an employer under 12258

division (A)(1)(a), (b), or (d) of this section. 12259

(d) As a farm operator or a crew leader subsequent to 12260
December 31, 1977, had in employment individuals in agricultural 12261
labor; and 12262

(i) During any calendar quarter in the current calendar year 12263
or the preceding calendar year, paid cash remuneration of twenty 12264
thousand dollars or more for the agricultural labor; or 12265

(ii) Had at least ten individuals in employment in 12266
agricultural labor, not including agricultural workers who are 12267
aliens admitted to the United States to perform agricultural labor 12268
pursuant to sections 1184(c) and 1101(a)(15)(H) of the 12269
"Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A. 12270
1101(a)(15)(H)(ii)(a), 1184(c), for some portion of a day in each 12271
of the twenty different calendar weeks, in either the current or 12272
preceding calendar year whether or not the same individual was in 12273
employment in each day; or 12274

(e) Is not otherwise an employer as defined under division 12275
(A)(1)(a) or (b) of this section; and 12276

(i) For which, within either the current or preceding 12277
calendar year, service, except for domestic service in a private 12278
home not covered under division (A)(1)(c) of this section, is or 12279
was performed with respect to which such employer is liable for 12280
any federal tax against which credit may be taken for 12281
contributions required to be paid into a state unemployment fund; 12282

(ii) Which, as a condition for approval of this chapter for 12283
full tax credit against the tax imposed by the "Federal 12284
Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, is 12285
required, pursuant to such act to be an employer under this 12286
chapter; or 12287

(iii) Who became an employer by election under division 12288
(A)(4) or (5) of this section and for the duration of such 12289

election; or 12290

(f) In the case of the state, its instrumentalities, its 12291
political subdivisions, and their instrumentalities, and Indian 12292
tribes, had in employment, as defined in divisions (B)(2)(a) and 12293
(B)(2)(1) of this section, at least one individual; 12294

(g) For the purposes of division (A)(1)(a) of this section, 12295
if any week includes both the thirty-first day of December and the 12296
first day of January, the days of that week before the first day 12297
of January shall be considered one calendar week and the days 12298
beginning the first day of January another week. 12299

(2) Each individual employed to perform or to assist in 12300
performing the work of any agent or employee of an employer is 12301
employed by such employer for all the purposes of this chapter, 12302
whether such individual was hired or paid directly by such 12303
employer or by such agent or employee, provided the employer had 12304
actual or constructive knowledge of the work. All individuals 12305
performing services for an employer of any person in this state 12306
who maintains two or more establishments within this state are 12307
employed by a single employer for the purposes of this chapter. 12308

(3) An employer subject to this chapter within any calendar 12309
year is subject to this chapter during the whole of such year and 12310
during the next succeeding calendar year. 12311

(4) An employer not otherwise subject to this chapter who 12312
files with the director of job and family services a written 12313
election to become an employer subject to this chapter for not 12314
less than two calendar years shall, with the written approval of 12315
such election by the director, become an employer subject to this 12316
chapter to the same extent as all other employers as of the date 12317
stated in such approval, and shall cease to be subject to this 12318
chapter as of the first day of January of any calendar year 12319
subsequent to such two calendar years only if at least thirty days 12320

prior to such first day of January the employer has filed with the 12321
director a written notice to that effect. 12322

(5) Any employer for whom services that do not constitute 12323
employment are performed may file with the director a written 12324
election that all such services performed by individuals in the 12325
employer's employ in one or more distinct establishments or places 12326
of business shall be deemed to constitute employment for all the 12327
purposes of this chapter, for not less than two calendar years. 12328
Upon written approval of the election by the director, such 12329
services shall be deemed to constitute employment subject to this 12330
chapter from and after the date stated in such approval. Such 12331
services shall cease to be employment subject to this chapter as 12332
of the first day of January of any calendar year subsequent to 12333
such two calendar years only if at least thirty days prior to such 12334
first day of January such employer has filed with the director a 12335
written notice to that effect. 12336

(B)(1) "Employment" means service performed by an individual 12337
for remuneration under any contract of hire, written or oral, 12338
express or implied, including service performed in interstate 12339
commerce and service performed by an officer of a corporation, 12340
without regard to whether such service is executive, managerial, 12341
or manual in nature, and without regard to whether such officer is 12342
a stockholder or a member of the board of directors of the 12343
corporation, unless it is shown to the satisfaction of the 12344
director that such individual has been and will continue to be 12345
free from direction or control over the performance of such 12346
service, both under a contract of service and in fact. The 12347
director shall adopt rules to define "direction or control." 12348

(2) "Employment" includes: 12349

(a) Service performed after December 31, 1977, by an 12350
individual in the employ of the state or any of its 12351
instrumentalities, or any political subdivision thereof or any of 12352

its instrumentalities or any instrumentality of more than one of 12353
the foregoing or any instrumentality of any of the foregoing and 12354
one or more other states or political subdivisions and without 12355
regard to divisions (A)(1)(a) and (b) of this section, provided 12356
that such service is excluded from employment as defined in the 12357
"Federal Unemployment Tax Act," 53 Stat. 183, 26 U.S.C.A. 3301, 12358
3306(c)(7) and is not excluded under division (B)(3) of this 12359
section; or the services of employees covered by voluntary 12360
election, as provided under divisions (A)(4) and (5) of this 12361
section; 12362

(b) Service performed after December 31, 1971, by an 12363
individual in the employ of a religious, charitable, educational, 12364
or other organization which is excluded from the term "employment" 12365
as defined in the "Federal Unemployment Tax Act," 84 Stat. 713, 26 12366
U.S.C.A. 3301 to 3311, solely by reason of section 26 U.S.C.A. 12367
3306(c)(8) of that act and is not excluded under division (B)(3) 12368
of this section; 12369

(c) Domestic service performed after December 31, 1977, for 12370
an employer, as provided in division (A)(1)(c) of this section; 12371

(d) Agricultural labor performed after December 31, 1977, for 12372
a farm operator or a crew leader, as provided in division 12373
(A)(1)(d) of this section; 12374

(e) Service not covered under division (B)(1) of this section 12375
which is performed after December 31, 1971: 12376

(i) As an agent-driver or commission-driver engaged in 12377
distributing meat products, vegetable products, fruit products, 12378
bakery products, beverages other than milk, laundry, or 12379
dry-cleaning services, for the individual's employer or principal; 12380

(ii) As a traveling or city salesperson, other than as an 12381
agent-driver or commission-driver, engaged on a full-time basis in 12382
the solicitation on behalf of and in the transmission to the 12383

salesperson's employer or principal except for sideline sales 12384
activities on behalf of some other person of orders from 12385
wholesalers, retailers, contractors, or operators of hotels, 12386
restaurants, or other similar establishments for merchandise for 12387
resale, or supplies for use in their business operations, provided 12388
that for the purposes of division (B)(2)(e)(ii) of this section, 12389
the services shall be deemed employment if the contract of service 12390
contemplates that substantially all of the services are to be 12391
performed personally by the individual and that the individual 12392
does not have a substantial investment in facilities used in 12393
connection with the performance of the services other than in 12394
facilities for transportation, and the services are not in the 12395
nature of a single transaction that is not a part of a continuing 12396
relationship with the person for whom the services are performed. 12397

(f) An individual's entire service performed within or both 12398
within and without the state if: 12399

(i) The service is localized in this state. 12400

(ii) The service is not localized in any state, but some of 12401
the service is performed in this state and either the base of 12402
operations, or if there is no base of operations then the place 12403
from which such service is directed or controlled, is in this 12404
state or the base of operations or place from which such service 12405
is directed or controlled is not in any state in which some part 12406
of the service is performed but the individual's residence is in 12407
this state. 12408

(g) Service not covered under division (B)(2)(f)(ii) of this 12409
section and performed entirely without this state, with respect to 12410
no part of which contributions are required and paid under an 12411
unemployment compensation law of any other state, the Virgin 12412
Islands, Canada, or of the United States, if the individual 12413
performing such service is a resident of this state and the 12414
director approves the election of the employer for whom such 12415

services are performed; or, if the individual is not a resident of 12416
this state but the place from which the service is directed or 12417
controlled is in this state, the entire services of such 12418
individual shall be deemed to be employment subject to this 12419
chapter, provided service is deemed to be localized within this 12420
state if the service is performed entirely within this state or if 12421
the service is performed both within and without this state but 12422
the service performed without this state is incidental to the 12423
individual's service within the state, for example, is temporary 12424
or transitory in nature or consists of isolated transactions; 12425

(h) Service of an individual who is a citizen of the United 12426
States, performed outside the United States except in Canada after 12427
December 31, 1971, or the Virgin Islands, after December 31, 1971, 12428
and before the first day of January of the year following that in 12429
which the United States secretary of labor approves the Virgin 12430
Islands law for the first time, in the employ of an American 12431
employer, other than service which is "employment" under divisions 12432
(B)(2)(f) and (g) of this section or similar provisions of another 12433
state's law, if: 12434

(i) The employer's principal place of business in the United 12435
States is located in this state; 12436

(ii) The employer has no place of business in the United 12437
States, but the employer is an individual who is a resident of 12438
this state; or the employer is a corporation which is organized 12439
under the laws of this state, or the employer is a partnership or 12440
a trust and the number of partners or trustees who are residents 12441
of this state is greater than the number who are residents of any 12442
other state; or 12443

(iii) None of the criteria of divisions (B)(2)(f)(i) and (ii) 12444
of this section is met but the employer has elected coverage in 12445
this state or the employer having failed to elect coverage in any 12446
state, the individual has filed a claim for benefits, based on 12447

such service, under this chapter. 12448

(i) For the purposes of division (B)(2)(h) of this section, 12449
the term "American employer" means an employer who is an 12450
individual who is a resident of the United States; or a 12451
partnership, if two-thirds or more of the partners are residents 12452
of the United States; or a trust, if all of the trustees are 12453
residents of the United States; or a corporation organized under 12454
the laws of the United States or of any state, provided the term 12455
"United States" includes the states, the District of Columbia, the 12456
Commonwealth of Puerto Rico, and the Virgin Islands. 12457

(j) Notwithstanding any other provisions of divisions (B)(1) 12458
and (2) of this section, service, except for domestic service in a 12459
private home not covered under division (A)(1)(c) of this section, 12460
with respect to which a tax is required to be paid under any 12461
federal law imposing a tax against which credit may be taken for 12462
contributions required to be paid into a state unemployment fund, 12463
or service, except for domestic service in a private home not 12464
covered under division (A)(1)(c) of this section, which, as a 12465
condition for full tax credit against the tax imposed by the 12466
"Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 12467
3311, is required to be covered under this chapter. 12468

(k) Construction services performed by any individual under a 12469
construction contract, as defined in section 4141.39 of the 12470
Revised Code, if the director determines that the employer for 12471
whom services are performed has the right to direct or control the 12472
performance of the services and that the individuals who perform 12473
the services receive remuneration for the services performed. The 12474
director shall presume that the employer for whom services are 12475
performed has the right to direct or control the performance of 12476
the services if ten or more of the following criteria apply: 12477

(i) The employer directs or controls the manner or method by 12478
which instructions are given to the individual performing 12479

services;	12480
(ii) The employer requires particular training for the individual performing services;	12481 12482
(iii) Services performed by the individual are integrated into the regular functioning of the employer;	12483 12484
(iv) The employer requires that services be provided by a particular individual;	12485 12486
(v) The employer hires, supervises, or pays the wages of the individual performing services;	12487 12488
(vi) A continuing relationship between the employer and the individual performing services exists which contemplates continuing or recurring work, even if not full-time work;	12489 12490 12491
(vii) The employer requires the individual to perform services during established hours;	12492 12493
(viii) The employer requires that the individual performing services be devoted on a full-time basis to the business of the employer;	12494 12495 12496
(ix) The employer requires the individual to perform services on the employer's premises;	12497 12498
(x) The employer requires the individual performing services to follow the order of work established by the employer;	12499 12500
(xi) The employer requires the individual performing services to make oral or written reports of progress;	12501 12502
(xii) The employer makes payment to the individual for services on a regular basis, such as hourly, weekly, or monthly;	12503 12504
(xiii) The employer pays expenses for the individual performing services;	12505 12506
(xiv) The employer furnishes the tools and materials for use by the individual to perform services;	12507 12508

(xv) The individual performing services has not invested in the facilities used to perform services; 12509
12510

(xvi) The individual performing services does not realize a profit or suffer a loss as a result of the performance of the services; 12511
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(xvii) The individual performing services is not performing services for more than two employers simultaneously; 12514
12515

(xviii) The individual performing services does not make the services available to the general public; 12516
12517

(xix) The employer has a right to discharge the individual performing services; 12518
12519

(xx) The individual performing services has the right to end the individual's relationship with the employer without incurring liability pursuant to an employment contract or agreement. 12520
12521
12522

(1) Service performed by an individual in the employ of an Indian tribe as defined by section 4(e) of the "Indian Self-Determination and Education Assistance Act," 88 Stat. 2204 (1975), 25 U.S.C.A. 450b(e), including any subdivision, subsidiary, or business enterprise wholly owned by an Indian tribe provided that the service is excluded from employment as defined in the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 and 3306(c)(7) and is not excluded under division (B)(3) of this section. 12523
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(3) "Employment" does not include the following services if they are found not subject to the "Federal Unemployment Tax Act," 84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the services are not required to be included under division (B)(2)(j) of this section: 12532
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(a) Service performed after December 31, 1977, in agricultural labor, except as provided in division (A)(1)(d) of 12537
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this section;	12539
(b) Domestic service performed after December 31, 1977, in a private home, local college club, or local chapter of a college fraternity or sorority except as provided in division (A)(1)(c) of this section;	12540 12541 12542 12543
(c) Service performed after December 31, 1977, for this state or a political subdivision as described in division (B)(2)(a) of this section when performed:	12544 12545 12546
(i) As a publicly elected official;	12547
(ii) As a member of a legislative body, or a member of the judiciary;	12548 12549
(iii) As a military member of the Ohio national guard;	12550
(iv) As an employee, not in the classified service as defined in section 124.11 of the Revised Code, serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or similar emergency;	12551 12552 12553 12554
(v) In a position which, under or pursuant to law, is designated as a major nontenured policymaking or advisory position, not in the classified service of the state, or a policymaking or advisory position the performance of the duties of which ordinarily does not require more than eight hours per week.	12555 12556 12557 12558 12559
(d) In the employ of any governmental unit or instrumentality of the United States;	12560 12561
(e) Service performed after December 31, 1971:	12562
(i) Service in the employ of an educational institution or institution of higher education, including those operated by the state or a political subdivision, if such service is performed by a student who is enrolled and is regularly attending classes at the educational institution or institution of higher education; or	12563 12564 12565 12566 12567
(ii) By an individual who is enrolled at a nonprofit or	12568

public educational institution which normally maintains a regular 12569
faculty and curriculum and normally has a regularly organized body 12570
of students in attendance at the place where its educational 12571
activities are carried on as a student in a full-time program, 12572
taken for credit at the institution, which combines academic 12573
instruction with work experience, if the service is an integral 12574
part of the program, and the institution has so certified to the 12575
employer, provided that this subdivision shall not apply to 12576
service performed in a program established for or on behalf of an 12577
employer or group of employers. 12578

(f) Service performed by an individual in the employ of the 12579
individual's son, daughter, or spouse and service performed by a 12580
child under the age of eighteen in the employ of the child's 12581
father or mother; 12582

(g) Service performed for one or more principals by an 12583
individual who is compensated on a commission basis, who in the 12584
performance of the work is master of the individual's own time and 12585
efforts, and whose remuneration is wholly dependent on the amount 12586
of effort the individual chooses to expend, and which service is 12587
not subject to the "Federal Unemployment Tax Act," 53 Stat. 183 12588
(1939), 26 U.S.C.A. 3301 to 3311. Service performed after December 12589
31, 1971: 12590

(i) By an individual for an employer as an insurance agent or 12591
as an insurance solicitor, if all this service is performed for 12592
remuneration solely by way of commission; 12593

(ii) As a home worker performing work, according to 12594
specifications furnished by the employer for whom the services are 12595
performed, on materials or goods furnished by such employer which 12596
are required to be returned to the employer or to a person 12597
designated for that purpose. 12598

(h) Service performed after December 31, 1971: 12599

(i) In the employ of a church or convention or association of churches, or in an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches;

(ii) By a duly ordained, commissioned, or licensed minister of a church in the exercise of the individual's ministry or by a member of a religious order in the exercise of duties required by such order; or

(iii) In a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market, by an individual receiving such rehabilitation or remunerative work.

(i) Service performed after June 30, 1939, with respect to which unemployment compensation is payable under the "Railroad Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 351;

(j) Service performed by an individual in the employ of any organization exempt from income tax under section 501 of the "Internal Revenue Code of 1954," if the remuneration for such service does not exceed fifty dollars in any calendar quarter, or if such service is in connection with the collection of dues or premiums for a fraternal beneficial society, order, or association and is performed away from the home office or is ritualistic service in connection with any such society, order, or association;

(k) Casual labor not in the course of an employer's trade or business; incidental service performed by an officer, appraiser, or member of a finance committee of a bank, building and loan

association, savings and loan association, or savings association 12631
when the remuneration for such incidental service exclusive of the 12632
amount paid or allotted for directors' fees does not exceed sixty 12633
dollars per calendar quarter is casual labor; 12634

(l) Service performed in the employ of a voluntary employees' 12635
beneficial association providing for the payment of life, 12636
sickness, accident, or other benefits to the members of such 12637
association or their dependents or their designated beneficiaries, 12638
if admission to a membership in such association is limited to 12639
individuals who are officers or employees of a municipal or public 12640
corporation, of a political subdivision of the state, or of the 12641
United States and no part of the net earnings of such association 12642
inures, other than through such payments, to the benefit of any 12643
private shareholder or individual; 12644

(m) Service performed by an individual in the employ of a 12645
foreign government, including service as a consular or other 12646
officer or employee or of a nondiplomatic representative; 12647

(n) Service performed in the employ of an instrumentality 12648
wholly owned by a foreign government if the service is of a 12649
character similar to that performed in foreign countries by 12650
employees of the United States or of an instrumentality thereof 12651
and if the director finds that the secretary of state of the 12652
United States has certified to the secretary of the treasury of 12653
the United States that the foreign government, with respect to 12654
whose instrumentality exemption is claimed, grants an equivalent 12655
exemption with respect to similar service performed in the foreign 12656
country by employees of the United States and of instrumentalities 12657
thereof; 12658

(o) Service with respect to which unemployment compensation 12659
is payable under an unemployment compensation system established 12660
by an act of congress; 12661

(p) Service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to state law, and service performed as an intern in the employ of a hospital by an individual who has completed a four years' course in a medical school chartered or approved pursuant to state law;

(q) Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

(r) Service performed in the employ of the United States or an instrumentality of the United States immune under the Constitution of the United States from the contributions imposed by this chapter, except that to the extent that congress permits states to require any instrumentalities of the United States to make payments into an unemployment fund under a state unemployment compensation act, this chapter shall be applicable to such instrumentalities and to services performed for such instrumentalities in the same manner, to the same extent, and on the same terms as to all other employers, individuals, and services, provided that if this state is not certified for any year by the proper agency of the United States under section 3304 of the "Internal Revenue Code of 1954," the payments required of such instrumentalities with respect to such year shall be refunded by the director from the fund in the same manner and within the same period as is provided in division (E) of section 4141.09 of the Revised Code with respect to contributions erroneously collected;

(s) Service performed by an individual as a member of a band or orchestra, provided such service does not represent the principal occupation of such individual, and which service is not

subject to or required to be covered for full tax credit against 12694
the tax imposed by the "Federal Unemployment Tax Act," 53 Stat. 12695
183 (1939), 26 U.S.C.A. 3301 to 3311. 12696

(t) Service performed in the employ of a day camp whose 12697
camping season does not exceed twelve weeks in any calendar year, 12698
and which service is not subject to the "Federal Unemployment Tax 12699
Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service 12700
performed after December 31, 1971: 12701

(i) In the employ of a hospital, if the service is performed 12702
by a patient of the hospital, as defined in division (W) of this 12703
section; 12704

(ii) For a prison or other correctional institution by an 12705
inmate of the prison or correctional institution; 12706

(iii) Service performed after December 31, 1977, by an inmate 12707
of a custodial institution operated by the state, a political 12708
subdivision, or a nonprofit organization. 12709

(u) Service that is performed by a nonresident alien 12710
individual for the period the individual temporarily is present in 12711
the United States as a nonimmigrant under division (F), (J), (M), 12712
or (Q) of section 101(a)(15) of the "Immigration and Nationality 12713
Act," 66 Stat. 163, 8 U.S.C.A. 1101, as amended, that is excluded 12714
under section 3306(c)(19) of the "Federal Unemployment Tax Act," 12715
53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. 12716

(v) Notwithstanding any other provisions of division (B)(3) 12717
of this section, services that are excluded under divisions 12718
(B)(3)(g), (j), (k), and (l) of this section shall not be excluded 12719
from employment when performed for a nonprofit organization, as 12720
defined in division (X) of this section, or for this state or its 12721
instrumentalities, or for a political subdivision or its 12722
instrumentalities or for Indian tribes; 12723

(w) Service that is performed by an individual working as an 12724

election official or election worker if the amount of remuneration 12725
received by the individual during the calendar year for services 12726
as an election official or election worker is less than one 12727
thousand dollars; 12728

(x) Service performed for an elementary or secondary school 12729
that is operated primarily for religious purposes, that is 12730
described in subsection 501(c)(3) and exempt from federal income 12731
taxation under subsection 501(a) of the Internal Revenue Code, 26 12732
U.S.C.A. 501; 12733

(y) Service performed by a person committed to a penal 12734
institution. 12735

(z) Service performed for an Indian tribe as described in 12736
division (B)(2)(1) of this section when performed in any of the 12737
following manners: 12738

(i) As a publicly elected official; 12739

(ii) As a member of an Indian tribal council; 12740

(iii) As a member of a legislative or judiciary body; 12741

(iv) In a position which, pursuant to Indian tribal law, is 12742
designated as a major nontenured policymaking or advisory 12743
position, or a policymaking or advisory position where the 12744
performance of the duties ordinarily does not require more than 12745
eight hours of time per week; 12746

(v) As an employee serving on a temporary basis in the case 12747
of a fire, storm, snow, earthquake, flood, or similar emergency. 12748

(aa) Service performed after December 31, 1971, for a 12749
nonprofit organization, this state or its instrumentalities, a 12750
political subdivision or its instrumentalities, or an Indian tribe 12751
as part of an unemployment work-relief or work-training program 12752
assisted or financed in whole or in part by any federal agency or 12753
an agency of a state or political subdivision, thereof, by an 12754

individual receiving the work-relief or work-training. 12755

(bb) Participation in a learn to earn program as defined in 12756
section 4141.293 of the Revised Code. 12757

(4) If the services performed during one half or more of any 12758
pay period by an employee for the person employing that employee 12759
constitute employment, all the services of such employee for such 12760
period shall be deemed to be employment; but if the services 12761
performed during more than one half of any such pay period by an 12762
employee for the person employing that employee do not constitute 12763
employment, then none of the services of such employee for such 12764
period shall be deemed to be employment. As used in division 12765
(B)(4) of this section, "pay period" means a period, of not more 12766
than thirty-one consecutive days, for which payment of 12767
remuneration is ordinarily made to the employee by the person 12768
employing that employee. Division (B)(4) of this section does not 12769
apply to services performed in a pay period by an employee for the 12770
person employing that employee, if any of such service is excepted 12771
by division (B)(3)(o) of this section. 12772

(C) "Benefits" means money payments payable to an individual 12773
who has established benefit rights, as provided in this chapter, 12774
for loss of remuneration due to the individual's unemployment. 12775

(D) "Benefit rights" means the weekly benefit amount and the 12776
maximum benefit amount that may become payable to an individual 12777
within the individual's benefit year as determined by the 12778
director. 12779

(E) "Claim for benefits" means a claim for waiting period or 12780
benefits for a designated week. 12781

(F) "Additional claim" means the first claim for benefits 12782
filed following any separation from employment during a benefit 12783
year; "continued claim" means any claim other than the first claim 12784
for benefits and other than an additional claim. 12785

(G)(1) "Wages" means remuneration paid to an employee by each 12786
of the employee's employers with respect to employment; except 12787
that wages shall not include that part of remuneration paid during 12788
any calendar year to an individual by an employer or such 12789
employer's predecessor in interest in the same business or 12790
enterprise, which in any calendar year is in excess of eight 12791
thousand two hundred fifty dollars on and after January 1, 1992; 12792
eight thousand five hundred dollars on and after January 1, 1993; 12793
eight thousand seven hundred fifty dollars on and after January 1, 12794
1994; and nine thousand dollars on and after January 1, 1995. 12795
Remuneration in excess of such amounts shall be deemed wages 12796
subject to contribution to the same extent that such remuneration 12797
is defined as wages under the "Federal Unemployment Tax Act," 84 12798
Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as amended. The 12799
remuneration paid an employee by an employer with respect to 12800
employment in another state, upon which contributions were 12801
required and paid by such employer under the unemployment 12802
compensation act of such other state, shall be included as a part 12803
of remuneration in computing the amount specified in this 12804
division. 12805

(2) Notwithstanding division (G)(1) of this section, if, as 12806
of the computation date for any calendar year, the director 12807
determines that the level of the unemployment compensation fund is 12808
sixty per cent or more below the minimum safe level as defined in 12809
section 4141.25 of the Revised Code, then, effective the first day 12810
of January of the following calendar year, wages subject to this 12811
chapter shall not include that part of remuneration paid during 12812
any calendar year to an individual by an employer or such 12813
employer's predecessor in interest in the same business or 12814
enterprise which is in excess of nine thousand dollars. The 12815
increase in the dollar amount of wages subject to this chapter 12816
under this division shall remain in effect from the date of the 12817
director's determination pursuant to division (G)(2) of this 12818

section and thereafter notwithstanding the fact that the level in 12819
the fund may subsequently become less than sixty per cent below 12820
the minimum safe level. 12821

(H)(1) "Remuneration" means all compensation for personal 12822
services, including commissions and bonuses and the cash value of 12823
all compensation in any medium other than cash, except that in the 12824
case of agricultural or domestic service, "remuneration" includes 12825
only cash remuneration. Gratuities customarily received by an 12826
individual in the course of the individual's employment from 12827
persons other than the individual's employer and which are 12828
accounted for by such individual to the individual's employer are 12829
taxable wages. 12830

The reasonable cash value of compensation paid in any medium 12831
other than cash shall be estimated and determined in accordance 12832
with rules prescribed by the director, provided that 12833
"remuneration" does not include: 12834

(a) Payments as provided in divisions (b)(2) to ~~(b)(16)~~(20) 12835
of section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 12836
713, 26 U.S.C.A. 3301 to 3311, as amended; 12837

(b) The payment by an employer, without deduction from the 12838
remuneration of the individual in the employer's employ, of the 12839
tax imposed upon an individual in the employer's employ under 12840
section 3101 of the "Internal Revenue Code of 1954," with respect 12841
to services performed after October 1, 1941. 12842

(2) "Cash remuneration" means all remuneration paid in cash, 12843
including commissions and bonuses, but not including the cash 12844
value of all compensation in any medium other than cash. 12845

(I) "Interested party" means the director and any party to 12846
whom notice of a determination of an application for benefit 12847
rights or a claim for benefits is required to be given under 12848
section 4141.28 of the Revised Code. 12849

(J) "Annual payroll" means the total amount of wages subject to contributions during a twelve-month period ending with the last day of the second calendar quarter of any calendar year.

(K) "Average annual payroll" means the average of the last three annual payrolls of an employer, provided that if, as of any 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.

(L)(1) "Contributions" means the money payments to the state unemployment compensation fund required of employers by section 4141.25 of the Revised Code and of the state and any of its political subdivisions electing to pay contributions under section 4141.242 of the Revised Code. Employers paying contributions shall be described as "contributory employers."

(2) "Payments in lieu of contributions" means the money payments to the state unemployment compensation fund required of reimbursing employers under sections 4141.241 and 4141.242 of the Revised Code.

(M) An individual is "totally unemployed" in any week during which the individual performs no services and with respect to such week no remuneration is payable to the individual.

(N) An individual is "partially unemployed" in any week if, due to involuntary loss of work, the total remuneration payable to the individual for such week is less than the individual's weekly benefit amount.

(O) "Week" means the calendar week ending at midnight Saturday unless an equivalent week of seven consecutive calendar days is prescribed by the director.

(1) "Qualifying week" means any calendar week in an individual's base period with respect to which the individual earns or is paid remuneration in employment subject to this

chapter. A calendar week with respect to which an individual earns remuneration but for which payment was not made within the base period, when necessary to qualify for benefit rights, may be considered to be a qualifying week. The number of qualifying weeks which may be established in a calendar quarter shall not exceed the number of calendar weeks in the quarter.

(2) "Average weekly wage" means the amount obtained by dividing an individual's total remuneration for all qualifying weeks during the base period by the number of such qualifying weeks, provided that if the computation results in an amount that is not a multiple of one dollar, such amount shall be rounded to the next lower multiple of one dollar.

(P) "Weekly benefit amount" means the amount of benefits an individual would be entitled to receive for one week of total unemployment.

(Q)(1) "Base period" means the first four of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year, except as provided in division (Q)(2) of this section.

(2) If an individual does not have sufficient qualifying weeks and wages in the base period to qualify for benefit rights, the individual's base period shall be the four most recently completed calendar quarters preceding the first day of the individual's benefit year. Such base period shall be known as the "alternate base period." If information as to weeks and wages for the most recent quarter of the alternate base period is not available to the director from the regular quarterly reports of wage information, which are systematically accessible, the director may, consistent with the provisions of section 4141.28 of the Revised Code, base the determination of eligibility for benefits on the affidavit of the claimant with respect to weeks and wages for that calendar quarter. The claimant shall furnish

payroll documentation, where available, in support of the 12913
affidavit. The determination based upon the alternate base period 12914
as it relates to the claimant's benefit rights, shall be amended 12915
when the quarterly report of wage information from the employer is 12916
timely received and that information causes a change in the 12917
determination. As provided in division (B) of section 4141.28 of 12918
the Revised Code, any benefits paid and charged to an employer's 12919
account, based upon a claimant's affidavit, shall be adjusted 12920
effective as of the beginning of the claimant's benefit year. No 12921
calendar quarter in a base period or alternate base period shall 12922
be used to establish a subsequent benefit year. 12923

(3) The "base period" of a combined wage claim, as described 12924
in division (H) of section 4141.43 of the Revised Code, shall be 12925
the base period prescribed by the law of the state in which the 12926
claim is allowed. 12927

(4) For purposes of determining the weeks that comprise a 12928
completed calendar quarter under this division, only those weeks 12929
ending at midnight Saturday within the calendar quarter shall be 12930
utilized. 12931

(R)(1) "Benefit year" with respect to an individual means the 12932
fifty-two week period beginning with the first day of that week 12933
with respect to which the individual first files a valid 12934
application for determination of benefit rights, and thereafter 12935
the fifty-two week period beginning with the first day of that 12936
week with respect to which the individual next files a valid 12937
application for determination of benefit rights after the 12938
termination of the individual's last preceding benefit year, 12939
except that the application shall not be considered valid unless 12940
the individual has had employment in six weeks that is subject to 12941
this chapter or the unemployment compensation act of another 12942
state, or the United States, and has, since the beginning of the 12943
individual's previous benefit year, in the employment earned three 12944

times the average weekly wage determined for the previous benefit 12945
year. The "benefit year" of a combined wage claim, as described in 12946
division (H) of section 4141.43 of the Revised Code, shall be the 12947
benefit year prescribed by the law of the state in which the claim 12948
is allowed. Any application for determination of benefit rights 12949
made in accordance with section 4141.28 of the Revised Code is 12950
valid if the individual filing such application is unemployed, has 12951
been employed by an employer or employers subject to this chapter 12952
in at least twenty qualifying weeks within the individual's base 12953
period, and has earned or been paid remuneration at an average 12954
weekly wage of not less than twenty-seven and one-half per cent of 12955
the statewide average weekly wage for such weeks. For purposes of 12956
determining whether an individual has had sufficient employment 12957
since the beginning of the individual's previous benefit year to 12958
file a valid application, "employment" means the performance of 12959
services for which remuneration is payable. 12960

(2) Effective for benefit years beginning on and after 12961
December 26, 2004, any application for determination of benefit 12962
rights made in accordance with section 4141.28 of the Revised Code 12963
is valid if the individual satisfies the criteria described in 12964
division (R)(1) of this section, and if the reason for the 12965
individual's separation from employment is not disqualifying 12966
pursuant to division (D)(2) of section 4141.29 or section 4141.291 12967
of the Revised Code. A disqualification imposed pursuant to 12968
division (D)(2) of section 4141.29 or section 4141.291 of the 12969
Revised Code must be removed as provided in those sections as a 12970
requirement of establishing a valid application for benefit years 12971
beginning on and after December 26, 2004. 12972

(3) The statewide average weekly wage shall be calculated by 12973
the director once a year based on the twelve-month period ending 12974
the thirtieth day of June, as set forth in division (B)(3) of 12975
section 4141.30 of the Revised Code, rounded down to the nearest 12976

dollar. Increases or decreases in the amount of remuneration 12977
required to have been earned or paid in order for individuals to 12978
have filed valid applications shall become effective on Sunday of 12979
the calendar week in which the first day of January occurs that 12980
follows the twelve-month period ending the thirtieth day of June 12981
upon which the calculation of the statewide average weekly wage 12982
was based. 12983

(4) As used in this division, an individual is "unemployed" 12984
if, with respect to the calendar week in which such application is 12985
filed, the individual is "partially unemployed" or "totally 12986
unemployed" as defined in this section or if, prior to filing the 12987
application, the individual was separated from the individual's 12988
most recent work for any reason which terminated the individual's 12989
employee-employer relationship, or was laid off indefinitely or 12990
for a definite period of seven or more days. 12991

(S) "Calendar quarter" means the period of three consecutive 12992
calendar months ending on the thirty-first day of March, the 12993
thirtieth day of June, the thirtieth day of September, and the 12994
thirty-first day of December, or the equivalent thereof as the 12995
director prescribes by rule. 12996

(T) "Computation date" means the first day of the third 12997
calendar quarter of any calendar year. 12998

(U) "Contribution period" means the calendar year beginning 12999
on the first day of January of any year. 13000

(V) "Agricultural labor," for the purpose of this division, 13001
means any service performed prior to January 1, 1972, which was 13002
agricultural labor as defined in this division prior to that date, 13003
and service performed after December 31, 1971: 13004

(1) On a farm, in the employ of any person, in connection 13005
with cultivating the soil, or in connection with raising or 13006
harvesting any agricultural or horticultural commodity, including 13007

the raising, shearing, feeding, caring for, training, and 13008
management of livestock, bees, poultry, and fur-bearing animals 13009
and wildlife; 13010

(2) In the employ of the owner or tenant or other operator of 13011
a farm in connection with the operation, management, conservation, 13012
improvement, or maintenance of such farm and its tools and 13013
equipment, or in salvaging timber or clearing land of brush and 13014
other debris left by hurricane, if the major part of such service 13015
is performed on a farm; 13016

(3) In connection with the production or harvesting of any 13017
commodity defined as an agricultural commodity in section 15 (g) 13018
of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 13019
U.S.C. 1141j, as amended, or in connection with the ginning of 13020
cotton, or in connection with the operation or maintenance of 13021
ditches, canals, reservoirs, or waterways, not owned or operated 13022
for profit, used exclusively for supplying and storing water for 13023
farming purposes; 13024

(4) In the employ of the operator of a farm in handling, 13025
planting, drying, packing, packaging, processing, freezing, 13026
grading, storing, or delivering to storage or to market or to a 13027
carrier for transportation to market, in its unmanufactured state, 13028
any agricultural or horticultural commodity, but only if the 13029
operator produced more than one half of the commodity with respect 13030
to which such service is performed; 13031

(5) In the employ of a group of operators of farms, or a 13032
cooperative organization of which the operators are members, in 13033
the performance of service described in division (V)(4) of this 13034
section, but only if the operators produced more than one-half of 13035
the commodity with respect to which the service is performed; 13036

(6) Divisions (V)(4) and (5) of this section shall not be 13037
deemed to be applicable with respect to service performed: 13038

(a) In connection with commercial canning or commercial 13039
freezing or in connection with any agricultural or horticultural 13040
commodity after its delivery to a terminal market for distribution 13041
for consumption; or 13042

(b) On a farm operated for profit if the service is not in 13043
the course of the employer's trade or business. 13044

As used in division (V) of this section, "farm" includes 13045
stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, 13046
plantations, ranches, nurseries, ranges, greenhouses, or other 13047
similar structures used primarily for the raising of agricultural 13048
or horticultural commodities and orchards. 13049

(W) "Hospital" means an institution which has been registered 13050
or licensed by the Ohio department of health as a hospital. 13051

(X) "Nonprofit organization" means an organization, or group 13052
of organizations, described in section 501(c)(3) of the "Internal 13053
Revenue Code of 1954," and exempt from income tax under section 13054
501(a) of that code. 13055

(Y) "Institution of higher education" means a public or 13056
nonprofit educational institution, including an educational 13057
institution operated by an Indian tribe, which: 13058

(1) Admits as regular students only individuals having a 13059
certificate of graduation from a high school, or the recognized 13060
equivalent; 13061

(2) Is legally authorized in this state or by the Indian 13062
tribe to provide a program of education beyond high school; and 13063

(3) Provides an educational program for which it awards a 13064
bachelor's or higher degree, or provides a program which is 13065
acceptable for full credit toward such a degree, a program of 13066
post-graduate or post-doctoral studies, or a program of training 13067
to prepare students for gainful employment in a recognized 13068

occupation. 13069

For the purposes of this division, all colleges and 13070
universities in this state are institutions of higher education. 13071

(Z) For the purposes of this chapter, "states" includes the 13072
District of Columbia, the Commonwealth of Puerto Rico, and the 13073
Virgin Islands. 13074

(AA) "Alien" means, for the purposes of division (A)(1)(d) of 13075
this section, an individual who is an alien admitted to the United 13076
States to perform service in agricultural labor pursuant to 13077
sections 214 (c) and 101 (a)(15)(H) of the "Immigration and 13078
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101. 13079

(BB)(1) "Crew leader" means an individual who furnishes 13080
individuals to perform agricultural labor for any other employer 13081
or farm operator, and: 13082

(a) Pays, either on the individual's own behalf or on behalf 13083
of the other employer or farm operator, the individuals so 13084
furnished by the individual for the service in agricultural labor 13085
performed by them; 13086

(b) Has not entered into a written agreement with the other 13087
employer or farm operator under which the agricultural worker is 13088
designated as in the employ of the other employer or farm 13089
operator. 13090

(2) For the purposes of this chapter, any individual who is a 13091
member of a crew furnished by a crew leader to perform service in 13092
agricultural labor for any other employer or farm operator shall 13093
be treated as an employee of the crew leader if: 13094

(a) The crew leader holds a valid certificate of registration 13095
under the "Farm Labor Contractor Registration Act of 1963," 90 13096
Stat. 2668, 7 U.S.C. 2041; or 13097

(b) Substantially all the members of the crew operate or 13098

maintain tractors, mechanized harvesting or crop-dusting 13099
equipment, or any other mechanized equipment, which is provided by 13100
the crew leader; and 13101

(c) If the individual is not in the employment of the other 13102
employer or farm operator within the meaning of division (B)(1) of 13103
this section. 13104

(3) For the purposes of this division, any individual who is 13105
furnished by a crew leader to perform service in agricultural 13106
labor for any other employer or farm operator and who is not 13107
treated as in the employment of the crew leader under division 13108
(BB)(2) of this section shall be treated as the employee of the 13109
other employer or farm operator and not of the crew leader. The 13110
other employer or farm operator shall be treated as having paid 13111
cash remuneration to the individual in an amount equal to the 13112
amount of cash remuneration paid to the individual by the crew 13113
leader, either on the crew leader's own behalf or on behalf of the 13114
other employer or farm operator, for the service in agricultural 13115
labor performed for the other employer or farm operator. 13116

(CC) "Educational institution" means an institution other 13117
than an institution of higher education as defined in division (Y) 13118
of this section, including an educational institution operated by 13119
an Indian tribe, which: 13120

(1) Offers participants, trainees, or students an organized 13121
course of study or training designed to transfer to them 13122
knowledge, skills, information, doctrines, attitudes, or abilities 13123
from, by, or under the guidance of an instructor or teacher; and 13124

(2) Is approved, chartered, or issued a permit to operate as 13125
a school by the state board of education, other government agency, 13126
or Indian tribe that is authorized within the state to approve, 13127
charter, or issue a permit for the operation of a school. 13128

For the purposes of this division, the courses of study or 13129

training which the institution offers may be academic, technical, 13130
trade, or preparation for gainful employment in a recognized 13131
occupation. 13132

(DD) "Cost savings day" means any unpaid day off from work in 13133
which employees continue to accrue employee benefits which have a 13134
determinable value including, but not limited to, vacation, 13135
pension contribution, sick time, and life and health insurance. 13136

Sec. 4141.09. (A) There is hereby created an unemployment 13137
compensation fund to be administered by the state without 13138
liability on the part of the state beyond the amounts paid into 13139
the fund and earned by the fund. The unemployment compensation 13140
fund shall consist of all contributions, payments in lieu of 13141
contributions described in sections 4141.241 and 4141.242 of the 13142
Revised Code, reimbursements of the federal share of extended 13143
benefits described in section 4141.301 of the Revised Code, 13144
collected under sections 4141.01 to 4141.56 of the Revised Code, 13145
and the amount required under division (A)(4) of section 4141.35 13146
of the Revised Code, together with all interest earned upon any 13147
moneys deposited with the secretary of the treasury of the United 13148
States to the credit of the account of this state in the 13149
unemployment trust fund established and maintained pursuant to 13150
section 904 of the "Social Security Act," any property or 13151
securities acquired through the use of moneys belonging to the 13152
fund, and all earnings of such property or securities. The 13153
unemployment compensation fund shall be used to pay benefits, 13154
shared work compensation as defined in section 4141.50 of the 13155
Revised Code, and refunds as provided by such sections and for no 13156
other purpose. 13157

(B) The treasurer of state shall be the custodian of the 13158
unemployment compensation fund and shall administer such fund in 13159
accordance with the directions of the director of job and family 13160

services. All disbursements therefrom shall be paid by the 13161
treasurer of state on warrants drawn by the director. Such 13162
warrants may bear the facsimile signature of the director printed 13163
thereon and that of a deputy or other employee of the director 13164
charged with the duty of keeping the account of the unemployment 13165
compensation fund and with the preparation of warrants for the 13166
payment of benefits to the persons entitled thereto. Moneys in the 13167
clearing and benefit accounts shall not be commingled with other 13168
state funds, except as provided in division (C) of this section, 13169
but shall be maintained in separate accounts on the books of the 13170
depository bank. Such money shall be secured by the depository 13171
bank to the same extent and in the same manner as required by 13172
sections 135.01 to 135.21 of the Revised Code; and collateral 13173
pledged for this purpose shall be kept separate and distinct from 13174
any collateral pledged to secure other funds of this state. All 13175
sums recovered for losses sustained by the unemployment 13176
compensation fund shall be deposited therein. The treasurer of 13177
state shall be liable on the treasurer's official bond for the 13178
faithful performance of the treasurer's duties in connection with 13179
the unemployment compensation fund, such liability to exist in 13180
addition to any liability upon any separate bond. 13181

(C) The treasurer of state shall maintain within the 13182
unemployment compensation fund three separate accounts which shall 13183
be a clearing account, a trust fund account, and a benefit 13184
account. All moneys payable to the unemployment compensation fund, 13185
upon receipt by the director, shall be forwarded to the treasurer 13186
of state, who shall immediately deposit them in the clearing 13187
account. Refunds of contributions, or payments in lieu of 13188
contributions, payable pursuant to division (E) of this section 13189
may be paid from the clearing account upon warrants signed by a 13190
deputy or other employee of the director charged with the duty of 13191
keeping the record of the clearing account and with the 13192
preparation of warrants for the payment of refunds to persons 13193

entitled thereto. After clearance thereof, all moneys in the 13194
clearing account shall be deposited with the secretary of the 13195
treasury of the United States to the credit of the account of this 13196
state in the unemployment trust fund established and maintained 13197
pursuant to section 904 of the "Social Security Act," in 13198
accordance with requirements of the "Federal Unemployment Tax 13199
Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301, 3304(a)(3), any law 13200
in this state relating to the deposit, administration, release, or 13201
disbursement of moneys in the possession or custody of this state 13202
to the contrary notwithstanding. The benefit account shall consist 13203
of all moneys requisitioned from this state's account in the 13204
unemployment trust fund. Federal funds may be deposited, at the 13205
director's discretion, into the benefit account. Any funds 13206
deposited into the benefit account shall be disbursed solely for 13207
payment of benefits under a federal program administered by this 13208
state and for no other purpose. Moneys in the clearing and benefit 13209
accounts may be deposited by the treasurer of state, under the 13210
direction of the director, in any bank or public depository in 13211
which general funds of the state may be deposited, but no public 13212
deposit insurance charge or premium shall be paid out of the fund. 13213

(D) Moneys shall be requisitioned from this state's account 13214
in the unemployment trust fund solely for the payment of benefits 13215
and in accordance with regulations prescribed by the director. The 13216
director shall requisition from the unemployment trust fund such 13217
amounts, not exceeding the amount standing to this state's account 13218
therein, as are deemed necessary for the payment of benefits for a 13219
reasonable future period. Upon receipt thereof, the treasurer of 13220
state shall deposit such moneys in the benefit account. 13221
Expenditures of such money in the benefit account and refunds from 13222
the clearing account shall not require specific appropriations or 13223
other formal release by state officers of money in their custody. 13224
Any balance of moneys requisitioned from the unemployment trust 13225
fund which remains unclaimed or unpaid in the benefit account 13226

after the expiration of the period for which such sums were 13227
requisitioned shall either be deducted from estimates for and may 13228
be utilized for the payment of benefits during succeeding periods, 13229
or, in the discretion of the director, shall be redeposited with 13230
the secretary of the treasury of the United States to the credit 13231
of this state's account in the unemployment trust fund, as 13232
provided in division (C) of this section. Unclaimed or unpaid 13233
federal funds redeposited with the secretary of the treasury of 13234
the United States shall be credited to the appropriate federal 13235
account. 13236

(E) No claim for an adjustment or a refund on contribution, 13237
payment in lieu of contributions, interest, or forfeiture alleged 13238
to have been erroneously or illegally assessed or collected, or 13239
alleged to have been collected without authority, and no claim for 13240
an adjustment or a refund of any sum alleged to have been 13241
excessive or in any manner wrongfully collected shall be allowed 13242
unless an application, in writing, therefor is made within four 13243
years from the date on which such payment was made. If the 13244
director determines that such contribution, payment in lieu of 13245
contributions, interest, or forfeiture, or any portion thereof, 13246
was erroneously collected, the director shall allow such employer 13247
to make an adjustment thereof without interest in connection with 13248
subsequent contribution payments, or payments in lieu of 13249
contributions, by the employer, or the director may refund said 13250
amount, without interest, from the clearing account of the 13251
unemployment compensation fund, except as provided in division (B) 13252
of section 4141.11 of the Revised Code. For like cause and within 13253
the same period, adjustment or refund may be so made on the 13254
director's own initiative. An overpayment of contribution, payment 13255
in lieu of contributions, interest, or forfeiture for which an 13256
employer has not made application for refund prior to the date of 13257
sale of the employer's business shall accrue to the employer's 13258
successor in interest. 13259

An application for an adjustment or a refund, or any portion thereof, that is rejected is binding upon the employer unless, within thirty days after the mailing of a written notice of rejection to the employer's last known address, or, in the absence of mailing of such notice, within thirty days after the delivery of such notice, the employer files an application for a review and redetermination setting forth the reasons therefor. The director shall promptly examine the application for review and redetermination, and if a review is granted, the employer shall be promptly notified thereof, and shall be granted an opportunity for a prompt hearing.

(F) If the director finds that contributions have been paid to the director in error, and that such contributions should have been paid to a department of another state or of the United States charged with the administration of an unemployment compensation law, the director may upon request by such department or upon the director's own initiative transfer to such department the amount of such contributions, less any benefits paid to claimants whose wages were the basis for such contributions. The director may request and receive from such department any contributions or adjusted contributions paid in error to such department which should have been paid to the director.

(G) In accordance with section 303(c)(3) of the Social Security Act, and section 3304(a)(17) of the Internal Revenue Code of 1954 for continuing certification of Ohio unemployment compensation laws for administrative grants and for tax credits, any interest required to be paid on advances under Title XII of the Social Security Act shall be paid in a timely manner and shall not be paid, directly or indirectly, by an equivalent reduction in the Ohio unemployment taxes or otherwise, by the state from amounts in the unemployment compensation fund.

(H) The treasurer of state, under the direction of the

director and in accordance with the "Cash Management Improvement 13292
Act of 1990," 104 Stat. 1061, 31 U.S.C.A. 335, 6503, shall deposit 13293
amounts of interest earned by the state on funds in the benefit 13294
account established pursuant to division (C) of this section into 13295
~~the department of job and family services banking fees fund, which~~ 13296
~~is hereby created in the state treasury for the purpose of paying~~ 13297
~~related banking costs incurred by the state for the period for~~ 13298
~~which the interest is calculated, except that if the deposited~~ 13299
~~interest exceeds the banking costs incurred by the state for the~~ 13300
~~period for which the interest is calculated, the treasurer of~~ 13301
~~state shall deposit the excess interest into the unemployment~~ 13302
trust fund. 13303

(I) The treasurer of state, under the direction of the 13304
director, shall deposit federal funds received by the director for 13305
training and administration and for payment of benefits, job 13306
search, relocation, transportation, and subsistence allowances 13307
pursuant to the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 13308
2101, as amended; the "North American Free Trade Agreement 13309
Implementation Act," 107 Stat. 2057 (1993), 19 U.S.C.A. 3301, as 13310
amended; and the "Trade Act of 2002," 116 Stat. 993, 19 U.S.C.A. 13311
3801, as amended, into the Trade Act training and administration 13312
account, which is hereby created for the purpose of making 13313
payments specified under those acts. The treasurer of state, under 13314
the direction of the director, may transfer funds from the Trade 13315
Act training and administration account to the benefit account for 13316
the purpose of making any payments directly to claimants for 13317
benefits, job search, relocation, transportation, and subsistence 13318
allowances, as specified by those acts. 13319

Sec. 4141.11. There is hereby created in the state treasury 13320
the unemployment compensation special administrative fund. The 13321
fund shall consist of all interest collected on delinquent 13322
contributions pursuant to this chapter, all fines and forfeitures 13323

collected under this chapter, all money received from the sale of 13324
real property under section 4141.131 of the Revised Code, the 13325
amount required under division (A)(4) of section 4141.35 of the 13326
Revised Code, and all court costs and interest paid or collected 13327
in connection with the repayment of fraudulently obtained benefits 13328
pursuant to section 4141.35 of the Revised Code. All interest 13329
earned on the money in the fund shall be retained in the fund and 13330
shall not be credited or transferred to any other fund or account, 13331
except as provided in division (B) of this section. All moneys 13332
which are deposited or paid into this fund may be used by: 13333

(A) The director of job and family services whenever it 13334
appears that such use is necessary for: 13335

(1) The proper administration of this chapter and no federal 13336
funds are available for the specific purpose for which the 13337
expenditure is to be made, provided the moneys are not substituted 13338
for appropriations from federal funds, which in the absence of 13339
such moneys would be available; 13340

(2) The proper administration of this chapter for which 13341
purpose appropriations from federal funds have been requested and 13342
approved but not received, provided the fund would be reimbursed 13343
upon receipt of the federal appropriation; 13344

(3) To the extent possible, the repayment to the unemployment 13345
compensation administration fund of moneys found by the proper 13346
agency of the United States to have been lost or expended for 13347
purposes other than, or an amount in excess of, those found 13348
necessary by the proper agency of the United States for the 13349
administration of this chapter. 13350

(B) The director or the director's deputy whenever it appears 13351
that such use is necessary for the payment of refunds or 13352
adjustments of interest, fines, forfeitures, or court costs 13353
erroneously collected and paid into this fund pursuant to this 13354

chapter. 13355

(C) The director, to pay state disaster unemployment benefits 13356
pursuant to section 4141.292 of the Revised Code. 13357

(D) The director, to pay any costs attributable to the 13358
director that are associated with the sale of real property under 13359
section 4141.131 of the Revised Code. 13360

Whenever the balance in the unemployment compensation special 13361
administrative fund is considered to be excessive by the director, 13362
the director shall request the director of budget and management 13363
to transfer to the unemployment compensation fund the amount 13364
considered to be excessive. Any balance in the unemployment 13365
compensation special administrative fund shall not lapse at any 13366
time, but shall be continuously available to the director of job 13367
and family services for expenditures consistent with this chapter. 13368

Sec. 4141.131. ~~(A)~~ The director of job and family services 13369
may enter into contracts for the sale of real property no longer 13370
needed by the director for the operations of the director under 13371
this title. Any costs attributable to the director that are 13372
associated with the sale of real property under this section shall 13373
be paid out of the unemployment compensation special 13374
administrative fund established pursuant to section 4141.11 of the 13375
Revised Code. The director shall submit a report summarizing the 13376
use of that fund for the purpose of this section at least annually 13377
to the unemployment compensation advisory council as prescribed by 13378
the council. 13379

~~(B)(1) Earnest moneys from the sale of real property pursuant 13380
to division (A) of this section shall be deposited into the 13381
department of job and family services building consolidation fund, 13382
which is hereby created in the state treasury. The balance of the 13383
purchase price shall be deposited into the department of job and 13384
family services building enhancement fund, which is hereby created 13385~~

~~in the state treasury. The building enhancement fund shall retain 13386
its own interest. Upon completion of the sale and the request of 13387
the director, the treasurer of state shall transfer the earnest 13388
moneys in the building consolidation fund into the building 13389
enhancement fund. The director shall use the interest earned on 13390
the moneys in the building enhancement fund only in accordance 13391
with division (C) of this section. 13392~~

~~(2) The director shall deposit sufficient moneys from the 13393
sale of real property pursuant to division (A) of this section 13394
into the unemployment compensation special administrative fund to 13395
reimburse the fund for all costs associated with the sale of that 13396
real property. 13397~~

~~(C) The director shall use the moneys in the building 13398
enhancement fund from the sale of real property pursuant to 13399
division (A) of this section, less the costs of the sale as 13400
specified in division (B)(2) of this section, in accordance with 13401
the provisions and requirements of the "Social Security Act," 49 13402
Stat. 626 (1935), 52 U.S.C. 502(a) and 1103(c)(2), and the 13403
instructions of the United States department of labor, to improve 13404
buildings owned by or under the control of the director. If the 13405
director determines that there are no buildings for which money in 13406
the building enhancement fund may be used, the money shall be 13407
returned to the United States department of labor. 13408~~

~~(D) The auditor of state, with the assistance of the attorney 13409
general, shall prepare a deed to the real property being sold upon 13410
notice from the director that a contract for the sale of that 13411
property has been executed in accordance with this section. The 13412
deed shall state the consideration and any conditions placed upon 13413
the sale. The deed shall be executed by the governor in the name 13414
of the state, countersigned by the secretary of state, sealed with 13415
the great seal of the state, presented in the office of the 13416
auditor of state for recording, and delivered to the buyer upon 13417~~

payment of the balance of the purchase price. 13418

The buyer shall present the deed for recording in the county 13419
recorder's office of the county in which the real property is 13420
located. 13421

Sec. 4141.20. (A) Every employer, including those not 13422
otherwise subject to this chapter, shall furnish the director of 13423
job and family services upon request all information required by 13424
the director to carry out the requirements of this chapter. Every 13425
employer receiving from the director any blank with direction to 13426
fill it out shall cause it to be properly filled out, in the 13427
manner prescribed by the director, so as to answer fully and 13428
correctly all questions therein propounded, and shall furnish all 13429
the information therein sought, or, if unable to do so, that 13430
employer shall give the director in writing good and sufficient 13431
reason for such failure. 13432

The director may require that such information be verified 13433
under oath and returned to the director within the period fixed by 13434
the director or by law. The director or any person employed by the 13435
director for that purpose may examine under oath any such 13436
employer, or the officer, agent, or employee of that employer, for 13437
the purpose of ascertaining any information that the employer is 13438
required by this chapter to furnish to the director. ~~Any employer~~ 13439
~~who fails to furnish information as is required by the director~~ 13440
~~under authority of this section shall forfeit five hundred dollars~~ 13441
~~to be collected in a civil action brought against the employer in~~ 13442
~~the name of the state.~~ 13443

(B) ~~Effective with the calendar quarter beginning April 1,~~ 13444
~~1987, every contributory employer shall file a quarterly~~ 13445
~~contribution report and a quarterly report of wages. The quarterly~~ 13446
~~reports shall be filed no later than the last day of the first~~ 13447
~~month following the close of the calendar quarter for which the~~ 13448

~~quarterly reports are being filed. The employer shall enter on the
quarterly contribution report the total and taxable remuneration
paid to all employees during the quarter. The employer shall enter
on the quarterly report of wages the name and social security
number of each individual employed during the calendar quarter,
the total remuneration paid the individual, the number of weeks
during the quarter for which the individual was paid remuneration,
and any other information as required by section 1137 of the
"Social Security Act."~~

~~Effective until the calendar quarter beginning January 1,
1993, in case of failure to file the quarterly contribution report
or the report of wages containing all the required contribution
and wage information within the time prescribed by this section,
there shall be assessed a forfeiture amounting to ten per cent of
the contributions due; provided such forfeiture shall not be less
than twenty five nor more than two hundred fifty dollars. The
director may waive the forfeiture only with respect to the report
of wages, and the waiver may be approved only if the employer
shows good cause for failure to file the required information.~~

~~Effective with the calendar quarter beginning January 1,
1993, in case of failure to file the quarterly contribution report
containing all the required information within the time prescribed
by this section, there shall be assessed a forfeiture amounting to
twenty five one hundredths of one per cent of the total
remuneration paid by the employer, provided such forfeiture shall
not be less than thirty nor more than five hundred dollars per
quarterly contribution report. The director may waive the
forfeiture only if the employer provides to the director a written
statement showing good cause for failure to file the required
quarterly contribution report.~~

~~Effective with the calendar quarter beginning January 1,
1993, in case of failure to file the quarterly report of wages~~

~~containing all the required information within the time prescribed 13481
by this section, there shall be assessed a forfeiture amounting to 13482
twenty five one hundredths of one per cent of the total 13483
remuneration paid by the employer, provided such forfeiture shall 13484
be not less than thirty nor more than five hundred dollars per 13485
quarterly report of wages. The director may waive the forfeiture 13486
only if the employer provides to the director a written statement 13487
showing good cause for failure to file the required quarterly 13488
report of wages. 13489~~

~~(C) Effective with the calendar quarter beginning April 1, 13490
1987, every employer liable for payments in lieu of contributions 13491
shall file a quarterly payroll report and a quarterly report of 13492
wages. The employer shall file the quarterly reports no later than 13493
the last day of the first month following the close of the 13494
calendar quarter for which the quarterly reports are being filed. 13495
The employer shall enter on the quarterly payroll report the total 13496
remuneration paid to all employees during the quarter and the 13497
total wages that would have been taxable had the employer been 13498
subject to contributions. The employer shall enter on the 13499
quarterly report of wages the name and social security number of 13500
each individual employed during the calendar quarter, the total 13501
remuneration paid the individual, the number of weeks during the 13502
quarter for which the individual was paid remuneration, and any 13503
other information as required by section 1137 of the "Social 13504
Security Act." 13505~~

~~Effective until the calendar quarter beginning January 1, 13506
1993, in case of failure to file the quarterly payroll report or 13507
the report of wages containing all of the required payroll or wage 13508
information within the time prescribed by this section, the 13509
employer shall be assessed a forfeiture of twenty five dollars per 13510
report. The director may waive the forfeiture only with respect to 13511
the report of wages, and such waiver may be approved only if the 13512~~

~~employer shows good cause for failure to file the required information.~~ 13513
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~~Effective with the calendar quarter beginning January 1, 1993, in case of failure to file the quarterly payroll report containing all the required wage information within the time prescribed by this section, the employer shall be assessed a forfeiture amounting to twenty five one hundredths of one per cent of the total remuneration paid by the employer, provided such forfeiture shall not be less than thirty nor more than five hundred dollars per quarterly payroll report. The director may waive the forfeiture only if the employer provides to the director a written statement showing good cause for failure to file the required quarterly payroll report.~~ 13515
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~~Effective with the calendar quarter beginning January 1, 1993, in case of failure to file the quarterly report of wages containing all the required information within the time prescribed by this section, there shall be assessed a forfeiture amounting to twenty five one hundredths of one per cent of the total remuneration paid by the employer, provided such forfeiture shall be not less than thirty nor more than five hundred dollars per quarterly report of wages. The director may waive the forfeiture only if the employer provides to the director a written statement showing good cause for failure to file the required quarterly report of wages.~~ 13526
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~~(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~~ 13537
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during the calendar quarter, the total remuneration paid the 13545
individual, the number of weeks during the quarter for which the 13546
individual was paid remuneration, and any other information as 13547
required by section 1137 of the "Social Security Act." 13548

~~Effective with the calendar quarter beginning January 1,~~ 13549
~~2002, in~~ In case of failure to properly file the quarterly 13550
contribution and wage report containing all the required 13551
contribution and wage information within the time prescribed by 13552
this section, the director shall assess a forfeiture amounting to 13553
twenty-five one-hundredths of one per cent of the total 13554
remuneration reported by the employer, provided such forfeiture 13555
shall not be less than fifty nor more than one thousand dollars. 13556

~~(E) Effective with the calendar quarter beginning January 1,~~ 13557
~~2002, every~~ (C) Every employer liable for payments in lieu of 13558
contributions shall file a quarterly payroll and wage report. The 13559
quarterly report shall be filed not later than the last day of the 13560
first month following the close of the calendar quarter for which 13561
the quarterly report is being filed. The employer shall enter on 13562
the quarterly report the total remuneration paid to all employees 13563
during the quarter, the total wages that would have been taxable 13564
had the employer been subject to contributions, the name and 13565
social security number of each individual employed during the 13566
calendar quarter, the total remuneration paid the individual, the 13567
number of weeks during the quarter for which the individual was 13568
paid remuneration, and any other information as required by 13569
section 1137 of the "Social Security Act." 13570

~~Effective with the calendar quarter beginning January 1,~~ 13571
~~2002, in~~ In case of failure to properly file the quarterly payroll 13572
and wage report containing all the required payroll and wage 13573
information within the time prescribed by this section, the 13574
director shall assess a forfeiture amounting to twenty-five 13575
one-hundredths of one per cent of the total remuneration reported 13576

by the employer, provided such forfeiture shall not be less than 13577
fifty nor more than one thousand dollars. 13578

~~(F)~~(D) The director may waive a forfeiture assessed under 13579
division ~~(D)~~(B) or ~~(E)~~(C) of this section if the employer provides 13580
to the director, within four years after the date the forfeiture 13581
was assessed, a written statement showing good cause for failure 13582
to properly file the required information. 13583

~~(G)~~(E) The director shall furnish the form or forms on which 13584
quarterly reports required under this section are to be submitted, 13585
or the employer may use other methods of reporting, including 13586
electronic information transmission methods, as approved by the 13587
director. 13588

~~(H)~~(F) All forfeitures required by this section shall be paid 13589
into the unemployment compensation special administrative fund as 13590
provided in section 4141.11 of the Revised Code. 13591

Sec. 4141.25. (A) The director of job and family services 13592
shall determine as of each computation date the contribution rate 13593
of each contributing employer subject to this chapter for the next 13594
succeeding contribution period. The director shall determine a 13595
standard rate of contribution or an experience rate for each 13596
contributing employer. Once a rate of contribution has been 13597
established under this section for a contribution period, except 13598
as provided in division (D) of section 4141.26 of the Revised 13599
Code, that rate shall remain effective throughout such 13600
contribution period. The rate of contribution shall be determined 13601
in accordance with the following requirements: 13602

(1) An employer whose experience does not meet the terms of 13603
division (A)(2) of this section shall be assigned a standard rate 13604
of contribution. Effective for contribution periods beginning on 13605
and after January 1, 1998, an employer's standard rate of 13606
contribution shall be a rate of two and seven-tenths per cent, 13607

except that the rate for employers engaged in the construction 13608
industry shall be the average contribution rate computed for the 13609
construction industry or a rate of two and seven-tenths per cent, 13610
whichever is greater. The standard rate set forth in this division 13611
shall be applicable to a nonprofit organization whose election to 13612
make payments in lieu of contributions is voluntarily terminated 13613
or canceled by the director under section 4141.241 of the Revised 13614
Code, and thereafter pays contributions as required by this 13615
section. If such nonprofit organization had been a contributory 13616
employer prior to its election to make payments in lieu of 13617
contributions, then any prior balance in the contributory account 13618
shall become part of the reactivated account. 13619

As used in division (A) of this section, "the average 13620
contribution rate computed for the construction industry" means 13621
the most recent annual average rate attributable to the 13622
construction industry as prescribed by the director. 13623

(2) A contributing employer subject to this chapter shall 13624
qualify for an experience rate only if there have been four 13625
consecutive quarters, ending on the thirtieth day of June 13626
immediately prior to the computation date, throughout which the 13627
employer's account was chargeable with benefits. Upon meeting the 13628
qualifying requirements provided in division (A)(2) of this 13629
section, the director shall calculate the total credits to each 13630
employer's account consisting of the contributions other than 13631
mutualized contributions including all contributions paid prior to 13632
the computation date for all past periods plus: 13633

(a) The contributions owing on the computation date that are 13634
paid within thirty days after the computation date, and credited 13635
to the employer's account; 13636

(b) All voluntary contributions paid by an employer pursuant 13637
to division (B) of section 4141.24 of the Revised Code. 13638

(3) The director also shall determine the benefits which are chargeable to each employer's account and which were paid prior to the computation date with respect to weeks of unemployment ending prior to the computation date. The director then shall determine the positive or negative balance of each employer's account by calculating the excess of such contributions and interest over the benefits chargeable, or the excess of such benefits over such contributions and interest. Any resulting negative balance then shall be subject to adjustment as provided in division (A)(2) of section 4141.24 of the Revised Code after which the positive or negative balance shall be expressed in terms of a percentage of the employer's average annual payroll. If the total standing to the credit of an employer's account exceeds the total charges, as provided in this division, the employer has a positive balance and if such charges exceed such credits the employer has a negative balance. Each employer's contribution rate shall then be determined in accordance with the following schedule:

Contribution Rate Schedule

If, as of the computation date the contribution rate balance of an employer's account as a percentage of the employer's average annual payroll is	The employer's contribution rate for the next succeeding contribution period shall be
(a) A negative balance of:	
20.0% or more	6.5%
19.0% but less than 20.0%	6.4%
17.0% but less than 19.0%	6.3%
15.0% but less than 17.0%	6.2%
13.0% but less than 15.0%	6.1%
11.0% but less than 13.0%	6.0%
9.0% but less than 11.0%	5.9%
5.0% but less than 9.0%	5.7%
4.0% but less than 5.0%	5.5%

3.0% but less than 4.0%	5.3%	13672
2.0% but less than 3.0%	5.1%	13673
1.0% but less than 2.0%	4.9%	13674
more than 0.0% but less than 1.0%	4.8%	13675
(b) A 0.0% or a positive balance of less than 1.0%		13676
	4.7%	13677
(c) A positive balance of:		13678
1.0% or more, but less than 1.5%	4.6%	13679
1.5% or more, but less than 2.0%	4.5%	13680
2.0% or more, but less than 2.5%	4.3%	13681
2.5% or more, but less than 3.0%	4.0%	13682
3.0% or more, but less than 3.5%	3.8%	13683
3.5% or more, but less than 4.0%	3.5%	13684
4.0% or more, but less than 4.5%	3.3%	13685
4.5% or more, but less than 5.0%	3.0%	13686
5.0% or more, but less than 5.5%	2.8%	13687
5.5% or more, but less than 6.0%	2.5%	13688
6.0% or more, but less than 6.5%	2.2%	13689
6.5% or more, but less than 7.0%	2.0%	13690
7.0% or more, but less than 7.5%	1.8%	13691
7.5% or more, but less than 8.0%	1.6%	13692
8.0% or more, but less than 8.5%	1.4%	13693
8.5% or more, but less than 9.0%	1.3%	13694
9.0% or more, but less than 9.5%	1.1%	13695
9.5% or more, but less than 10.0%	1.0%	13696
10.0% or more, but less than 10.5%	.9%	13697
10.5% or more, but less than 11.0%	.7%	13698
11.0% or more, but less than 11.5%	.6%	13699

11.5% or more, but less than	.5%	13700
12.0%		
12.0% or more, but less than	.4%	13701
12.5%		
12.5% or more, but less than	.3%	13702
13.0%		
13.0% or more, but less than	.2%	13703
14.0%		
14.0% or more	.1%	13704

(d) The contribution rates shall be as specified in divisions 13705
(a), (b), and (c) of the contribution rate schedule except that 13706
notwithstanding the amendments made to division (a) of the 13707
contribution rate schedule in this section, if, as of the 13708
computation date: for 1991, the negative balance is 5.0% or more, 13709
the contribution rate shall be 5.7%; for 1992, if the negative 13710
balance is 11.0% or more, the contribution rate shall be 6.0%; and 13711
for 1993, if the negative balance is 17.0% or more, the 13712
contribution rate shall be 6.3%. Thereafter, the contribution 13713
rates shall be as specified in the contribution rate schedule. 13714

(B)(1) The director shall establish and maintain a separate 13715
account to be known as the "mutualized account." As of each 13716
computation date there shall be charged to this account: 13717

(a) As provided in division (A)(2) of section 4141.24 of the 13718
Revised Code, an amount equal to the sum of that portion of the 13719
negative balances of employer accounts which exceeds the 13720
applicable limitations as such balances are computed under 13721
division (A) of this section as of such date; 13722

(b) An amount equal to the sum of the negative balances 13723
remaining in employer accounts which have been closed during the 13724
year immediately preceding such computation date pursuant to 13725
division (E) of section 4141.24 of the Revised Code; 13726

(c) An amount equal to the sum of all benefits improperly 13727

paid preceding such computation date which are not recovered but	13728
which are not charged to an employer's account, or which after	13729
being charged, are credited back to an employer's account;	13730
(d) An amount equal to the sum of any other benefits paid	13731
preceding such computation date which, under this chapter, are not	13732
chargeable to an employer's account;	13733
(e) An amount equal to the sum of any refunds made during the	13734
year immediately preceding such computation date of erroneously	13735
collected mutualized contributions required by this division which	13736
were previously credited to this account;	13737
(f) An amount equal to the sum of any repayments made to the	13738
federal government during the year immediately preceding such	13739
computation date of amounts which may have been advanced by it to	13740
the unemployment compensation fund under section 1201 of the	13741
"Social Security Act," 49 Stat. 648 (1935), 42 U.S.C. 301;	13742
(g) Any amounts appropriated by the general assembly out of	13743
funds paid by the federal government, under section 903 of the	13744
"Social Security Act," to the account of this state in the federal	13745
unemployment trust fund.	13746
(2) As of every computation date there shall be credited to	13747
the mutualized account provided for in this division:	13748
(a) The proceeds of the mutualized contributions as provided	13749
in this division;	13750
(b) Any positive balances remaining in employer accounts	13751
which are closed as provided in division (E) of section 4141.24 of	13752
the Revised Code;	13753
(c) Any benefits improperly paid which are recovered but	13754
which cannot be credited to an employer's account;	13755
(d) All amounts which may be paid by the federal government	13756
under section 903 of the "Social Security Act" to the account of	13757

this state in the federal unemployment trust fund; 13758

(e) Amounts advanced by the federal government to the account 13759
of this state in the federal unemployment trust fund under section 13760
1201 of the "Social Security Act" to the extent such advances have 13761
been repaid to or recovered by the federal government; 13762

(f) Interest credited to the Ohio unemployment trust fund as 13763
deposited with the secretary of the treasury of the United States; 13764

(g) Amounts deposited into the unemployment compensation fund 13765
for penalties collected pursuant to division (A)(4) of section 13766
4141.35 of the Revised Code. 13767

(3) Annually, as of the computation date, the director shall 13768
determine the total credits and charges made to the mutualized 13769
account during the preceding twelve months and the overall 13770
condition of the account. The director shall issue an annual 13771
statement containing this information and such other information 13772
as the director deems pertinent, including a report that the sum 13773
of the balances in the mutualized account, employers' accounts, 13774
and any subsidiary accounts equal the balance in the state's 13775
unemployment trust fund maintained under section 904 of the 13776
"Social Security Act." 13777

(4) As used in this division: 13778

(a) "Fund as of the computation date" means as of any 13779
computation date, the aggregate amount of the unemployment 13780
compensation fund, including all contributions owing on the 13781
computation date that are paid within thirty days thereafter, all 13782
payments in lieu of contributions that are paid within sixty days 13783
after the computation date, all reimbursements of the federal 13784
share of extended benefits described in section 4141.301 of the 13785
Revised Code that are owing on the computation date, and all 13786
interest earned by the fund and received on or before the 13787
computation date from the federal government. 13788

(b) "Minimum safe level" means an amount equal to two 13789
standard deviations above the average of the adjusted annual 13790
average unemployment compensation benefit payment from 1970 to the 13791
most recent calendar year prior to the computation date, as 13792
determined by the director pursuant to division (B)(4)(b) of this 13793
section. To determine the adjusted annual payment of unemployment 13794
compensation benefits, the director first shall multiply the 13795
number of weeks compensated during each calendar year beginning 13796
with 1970 by the most recent annual average weekly unemployment 13797
compensation benefit payment and then compute the average and 13798
standard deviation of the resultant products. 13799

(c) "Annual average weekly unemployment compensation benefit 13800
payment" means the amount resulting from dividing the unemployment 13801
compensation benefits paid from the benefit account maintained 13802
within the unemployment compensation fund pursuant to section 13803
4141.09 of the Revised Code, by the number of weeks compensated 13804
during the same time period. 13805

(5) If, as of any computation date, the charges to the 13806
mutualized account during the entire period subsequent to the 13807
computation date, July 1, 1966, made in accordance with division 13808
(B)(1) of this section, exceed the credits to such account 13809
including mutualized contributions during such period, made in 13810
accordance with division (B)(2) of this section, the amount of 13811
such excess charges shall be recovered during the next 13812
contribution period. To recover such amount, the director shall 13813
compute the percentage ratio of such excess charges to the average 13814
annual payroll of all employers eligible for an experience rate 13815
under division (A) of this section. The percentage so determined 13816
shall be computed to the nearest tenth of one per cent and shall 13817
be an additional contribution rate to be applied to the wages paid 13818
by each employer whose rate is computed under the provisions of 13819
division (A) of this section in the contribution period next 13820

following such computation date, but such percentage shall not 13821
exceed five-tenths of one per cent; however, when there are any 13822
excess charges in the mutualized account, as computed in this 13823
division, then the mutualized contribution rate shall not be less 13824
than one-tenth of one per cent. 13825

(6) If the fund as of the computation date is above or below 13826
minimum safe level, the contribution rates provided for in each 13827
classification in division (A)(3) of this section for the next 13828
contribution period shall be adjusted as follows: 13829

(a) If the fund is thirty per cent or more above minimum safe 13830
level, the contribution rates provided in division (A)(3) of this 13831
section shall be decreased two-tenths of one per cent. 13832

(b) If the fund is more than fifteen per cent but less than 13833
thirty per cent above minimum safe level, the contribution rates 13834
provided in division (A)(3) of this section shall be decreased 13835
one-tenth of one per cent. 13836

(c) If the fund is more than fifteen per cent but less than 13837
thirty per cent below minimum safe level, the contribution rates 13838
of all employers shall be increased twenty-five one-thousandths of 13839
one per cent plus a per cent increase calculated and rounded 13840
pursuant to division (B)(6)(g) of this section. 13841

(d) If the fund is more than thirty per cent but less than 13842
forty-five per cent below minimum safe level, the contribution 13843
rates of all employers shall be increased seventy-five 13844
one-thousandths of one per cent plus a per cent increase 13845
calculated and rounded pursuant to division (B)(6)(g) of this 13846
section. 13847

(e) If the fund is more than forty-five per cent but less 13848
than sixty per cent below minimum safe level, the contribution 13849
rates of all employers shall be increased one-eighth of one per 13850
cent plus a per cent increase calculated and rounded pursuant to 13851

division (B)(6)(g) of this section. 13852

(f) If the fund is sixty per cent or more below minimum safe 13853
level, the contribution rates of all employers shall be increased 13854
two-tenths of one per cent plus a per cent increase calculated and 13855
rounded pursuant to division (B)(6)(g) of this section. 13856

(g) The additional per cent increase in contribution rates 13857
required by divisions (B)(6)(c), (d), (e), and (f) of this section 13858
that is payable by each individual employer shall be calculated in 13859
the following manner. The flat rate increase required by a 13860
particular division shall be multiplied by three and the product 13861
divided by the average experienced-rated contribution rate for all 13862
employers as determined by the director for the most recent 13863
calendar year. The resulting quotient shall be multiplied by an 13864
individual employer's contribution rate determined pursuant to 13865
division (A)(3) of this section. The resulting product shall be 13866
rounded to the nearest tenth of one per cent, added to the flat 13867
rate increase required by division (B)(6)(c), (d), (e), or (f) of 13868
this section, as appropriate, and the total shall be rounded to 13869
the nearest tenth of one per cent. As used in division (B)(6)(g) 13870
of this section, the "average experienced-rated contribution rate" 13871
means the most recent annual average contribution rate reported by 13872
the director contained in report RS 203.2 less the mutualized and 13873
minimum safe level contribution rates included in such rate. 13874

(h) If any of the increased contribution rates of division 13875
(B)(6)(c), (d), (e), or (f) of this section are imposed, the rate 13876
shall remain in effect for the calendar year in which it is 13877
imposed and for each calendar year thereafter until the director 13878
determines as of the computation date for calendar year 1991 and 13879
as of the computation date for any calendar year thereafter 13880
pursuant to this section, that the level of the unemployment 13881
compensation fund equals or exceeds the minimum safe level as 13882
defined in division (B)(4)(b) of this section. Nothing in division 13883

(B)(6)(h) of this section shall be construed as restricting the 13884
imposition of the increased contribution rates provided in 13885
divisions (B)(6)(c), (d), (e), and (f) of this section if the fund 13886
falls below the percentage of the minimum safe level as specified 13887
in those divisions. 13888

(7) The additional contributions required by division (B)(5) 13889
of this section shall be credited to the mutualized account. The 13890
additional contributions required by division (B)(6) of this 13891
section shall be credited fifty per cent to individual employer 13892
accounts and fifty per cent to the mutualized account. 13893

(C) If an employer makes a payment of contributions which is 13894
less than the full amount required by this section and sections 13895
4141.23, 4141.24, 4141.241, 4141.242, 4141.25, 4141.26, and 13896
4141.27 of the Revised Code, such partial payment shall be applied 13897
first against the mutualized contributions required under this 13898
chapter. Any remaining partial payment shall be credited to the 13899
employer's individual account. 13900

(D) Whenever there are any increases in contributions 13901
resulting from an increase in wages subject to contributions as 13902
defined in division (G) of section 4141.01 of the Revised Code, or 13903
from an increase in the mutualized rate of contributions provided 13904
in division (B) of this section, or from a revision of the 13905
contribution rate schedule provided in division (A) of this 13906
section, except for that portion of the increase attributable to a 13907
change in the positive or negative balance in an employer's 13908
account, which increases become effective after a contract for the 13909
construction of real property, as defined in section 5701.02 of 13910
the Revised Code, has been entered into, the contractee upon 13911
written notice by a prime contractor shall reimburse the 13912
contractor for all increased contributions paid by the prime 13913
contractor or by subcontractors upon wages for services performed 13914
under the contract. Upon reimbursement by the contractee to the 13915

prime contractor, the prime contractor shall reimburse each 13916
subcontractor for the increased contributions. 13917

(E) Effective only for the contribution period beginning on 13918
January 1, 1996, and ending on December 31, 1996, mutualized 13919
contributions collected or received by the director pursuant to 13920
division (B)(5) of this section and amounts credited to the 13921
mutualized account pursuant to division (B)(7) of this section 13922
shall be deposited into or credited to the unemployment 13923
compensation benefit reserve fund that is created under division 13924
(F) of this section, except that amounts collected, received, or 13925
credited in excess of two hundred million dollars shall be 13926
deposited into or credited to the unemployment trust fund 13927
established pursuant to section 4141.09 of the Revised Code. 13928

(F) The state unemployment compensation benefit reserve fund 13929
is hereby created as a trust fund in the custody of the treasurer 13930
of state and shall not be part of the state treasury. The fund 13931
shall consist of all moneys collected or received as mutualized 13932
contributions pursuant to division (B)(5) of this section and 13933
amounts credited to the mutualized account pursuant to division 13934
(B)(7) of this section as provided by division (E) of this 13935
section. All moneys in the fund shall be used solely to pay 13936
unemployment compensation benefits in the event that funds are no 13937
longer available for that purpose from the unemployment trust fund 13938
established pursuant to section 4141.09 of the Revised Code. 13939

(G) The balance in the unemployment compensation benefit 13940
reserve fund remaining at the end of the contribution period 13941
beginning January 1, 2000, and any mutualized contribution amounts 13942
for the contribution period beginning on January 1, 1996, that may 13943
be received after December 31, 2000, shall be deposited into the 13944
unemployment trust fund established pursuant to section 4141.09 of 13945
the Revised Code. Income earned on moneys in the state 13946
unemployment compensation benefit reserve fund shall be available 13947

for use by the director only for the purposes described in 13948
division (I) of this section, and shall not be used for any other 13949
purpose. 13950

(H) The unemployment compensation benefit reserve fund 13951
balance shall be added to the unemployment trust fund balance in 13952
determining the minimum safe level tax to be imposed pursuant to 13953
division (B) of this section and shall be included in the 13954
mutualized account balance for the purpose of determining the 13955
mutualized contribution rate pursuant to division (B)(5) of this 13956
section. 13957

(I) All income earned on moneys in the unemployment 13958
compensation benefit reserve fund from the investment of the fund 13959
by the treasurer of state shall accrue to the department of job 13960
and family services automation administration fund, which is 13961
hereby established in the state treasury. Moneys within the 13962
automation administration fund shall be used to meet the costs 13963
related to automation of the department and the administrative 13964
costs related to collecting and accounting for unemployment 13965
compensation benefit reserve fund revenue. Any funds remaining in 13966
the automation administration fund upon completion of the 13967
department's automation projects that are funded by that fund 13968
shall be deposited into the unemployment trust fund established 13969
pursuant to section 4141.09 of the Revised Code. 13970

(J) The director shall prepare and submit monthly reports to 13971
the unemployment compensation advisory commission with respect to 13972
the status of efforts to collect and account for unemployment 13973
compensation benefit reserve fund revenue and the costs related to 13974
collecting and accounting for that revenue. The director shall 13975
obtain approval from the unemployment compensation advisory 13976
commission for expenditure of funds from the department of job and 13977
family services automation administration fund. Funds may be 13978
approved for expenditure for purposes set forth in division (I) of 13979

this section only to the extent that federal or other funds are 13980
not available. 13981

Sec. 4141.29. Each eligible individual shall receive benefits 13982
as compensation for loss of remuneration due to involuntary total 13983
or partial unemployment in the amounts and subject to the 13984
conditions stipulated in this chapter. 13985

(A) No individual is entitled to a waiting period or benefits 13986
for any week unless the individual: 13987

(1) Has filed a valid application for determination of 13988
benefit rights in accordance with section 4141.28 of the Revised 13989
Code; 13990

(2) Has made a claim for benefits in accordance with section 13991
4141.28 of the Revised Code; 13992

(3)(a) Has registered for work and thereafter continues to 13993
report to an employment office or other registration place 13994
maintained or designated by the director of job and family 13995
services. Registration shall be made in accordance with the time 13996
limits, frequency, and manner prescribed by the director. 13997

(b) For purposes of division (A)(3) of this section, an 13998
individual has "registered" upon doing any of the following: 13999

(i) Filing an application for benefit rights; 14000

(ii) Making a weekly claim for benefits; 14001

(iii) Reopening an existing claim following a period of 14002
employment or nonreporting. 14003

(c) After an applicant is registered, that registration 14004
continues for a period of three calendar weeks, including the week 14005
during which the applicant registered. However, an individual is 14006
not registered for purposes of division (A)(3) of this section 14007
during any period in which the individual fails to report, as 14008

instructed by the director, or fails to reopen an existing claim 14009
following a period of employment. 14010

(d) The director may, for good cause, extend the period of 14011
registration. 14012

(e) For purposes of this section, "report" means contact by 14013
phone, access electronically, or be present for an in-person 14014
appointment, as designated by the director. 14015

(4)(a)(i) Is able to work and available for suitable work 14016
and, except as provided in division (A)(4)(a)(ii) or (iii) of this 14017
section, is actively seeking suitable work either in a locality in 14018
which the individual has earned wages subject to this chapter 14019
during the individual's base period, or if the individual leaves 14020
that locality, then in a locality where suitable work normally is 14021
performed. 14022

(ii) The director may waive the requirement that a claimant 14023
be actively seeking work when the director finds that the 14024
individual has been laid off and the employer who laid the 14025
individual off has notified the director within ten days after the 14026
layoff, that work is expected to be available for the individual 14027
within a specified number of days not to exceed forty-five 14028
calendar days following the last day the individual worked. In the 14029
event the individual is not recalled within the specified period, 14030
this waiver shall cease to be operative with respect to that 14031
layoff. 14032

(iii) The director may waive the requirement that a claimant 14033
be actively seeking work if the director determines that the 14034
individual has been laid off and the employer who laid the 14035
individual off has notified the director in accordance with 14036
division (C) of section 4141.28 of the Revised Code that the 14037
employer has closed the employer's entire plant or part of the 14038
employer's plant for a purpose other than inventory or vacation 14039

that will cause unemployment for a definite period not exceeding 14040
twenty-six weeks beginning on the date the employer notifies the 14041
director, for the period of the specific shutdown, if all of the 14042
following apply: 14043

(I) The employer and the individuals affected by the layoff 14044
who are claiming benefits under this chapter jointly request the 14045
exemption. 14046

(II) The employer provides that the affected individuals 14047
shall return to work for the employer within twenty-six weeks 14048
after the date the employer notifies the director. 14049

(III) The director determines that the waiver of the active 14050
search for work requirement will promote productivity and economic 14051
stability within the state. 14052

(iv) Division (A)(4)(a)(iii) of this section does not exempt 14053
an individual from meeting the other requirements specified in 14054
division (A)(4)(a)(i) of this section to be able to work and 14055
otherwise fully be available for work. An exemption granted under 14056
division (A)(4)(a)(iii) of this section may be granted only with 14057
respect to a specific plant closing. 14058

(b)(i) The individual shall be instructed as to the efforts 14059
that the individual must make in the search for suitable work, 14060
including that, within six months after ~~the effective date of this~~ 14061
~~amendment~~ October 11, 2013, the individual shall register with 14062
OhioMeansJobs, except in any of the following circumstances: 14063

(I) The individual is an individual described in division 14064
(A)(4)(b)(iii) of this section; 14065

(II) Where the active search for work requirement has been 14066
waived under division (A)(4)(a) of this section; 14067

(III) Where the active search for work requirement is 14068
considered to be met under division (A)(4)(c), (d), or (e) of this 14069

section. 14070

(ii) An individual who is registered with OhioMeansJobs shall 14071
receive a weekly listing of available jobs based on information 14072
provided by the individual at the time of registration. For each 14073
week that the individual claims benefits, the individual shall 14074
keep a record of the individual's work search efforts and shall 14075
produce that record in the manner and means prescribed by the 14076
director. 14077

(iii) No individual shall be required to register with 14078
OhioMeansJobs if the individual is legally prohibited from using a 14079
computer, has a physical or visual impairment that makes the 14080
individual unable to use a computer, or has a limited ability to 14081
read, write, speak, or understand a language in which 14082
OhioMeansJobs is available. 14083

(iv) As used in division (A)(4)(b) of this section: 14084

(I) "OhioMeansJobs" means the electronic job placement system 14085
operated by the state. 14086

(II) "Registration" includes the creation, electronic 14087
posting, and maintenance of an active, searchable resume. 14088

(c) An individual who is attending a training course approved 14089
by the director meets the requirement of this division, if 14090
attendance was recommended by the director and the individual is 14091
regularly attending the course and is making satisfactory 14092
progress. An individual also meets the requirements of this 14093
division if the individual is participating and advancing in a 14094
training program, as defined in division (P) of section 5709.61 of 14095
the Revised Code, and if an enterprise, defined in division (B) of 14096
section 5709.61 of the Revised Code, is paying all or part of the 14097
cost of the individual's participation in the training program 14098
with the intention of hiring the individual for employment as a 14099
new employee, as defined in division (L) of section 5709.61 of the 14100

Revised Code, for at least ninety days after the individual's 14101
completion of the training program. 14102

(d) An individual who becomes unemployed while attending a 14103
regularly established school and whose base period qualifying 14104
weeks were earned in whole or in part while attending that school, 14105
meets the availability and active search for work requirements of 14106
division (A)(4)(a) of this section if the individual regularly 14107
attends the school during weeks with respect to which the 14108
individual claims unemployment benefits and makes self available 14109
on any shift of hours for suitable employment with the 14110
individual's most recent employer or any other employer in the 14111
individual's base period, or for any other suitable employment to 14112
which the individual is directed, under this chapter. 14113

(e) An individual who is a member in good standing with a 14114
labor organization that refers individuals to jobs meets the 14115
active search for work requirement specified in division (A)(4)(a) 14116
of this section if the individual provides documentation that the 14117
individual is eligible for a referral or placement upon request 14118
and in a manner prescribed by the director. 14119

(f) Notwithstanding any other provisions of this section, no 14120
otherwise eligible individual shall be denied benefits for any 14121
week because the individual is in training approved under section 14122
236(a)(1) of the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 14123
2296, nor shall that individual be denied benefits by reason of 14124
leaving work to enter such training, provided the work left is not 14125
suitable employment, or because of the application to any week in 14126
training of provisions in this chapter, or any applicable federal 14127
unemployment compensation law, relating to availability for work, 14128
active search for work, or refusal to accept work. 14129

For the purposes of division (A)(4)(f) of this section, 14130
"suitable employment" means with respect to an individual, work of 14131
a substantially equal or higher skill level than the individual's 14132

past adversely affected employment, as defined for the purposes of 14133
the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 2101, and 14134
wages for such work at not less than eighty per cent of the 14135
individual's average weekly wage as determined for the purposes of 14136
that federal act. 14137

(5) Is unable to obtain suitable work. An individual who is 14138
provided temporary work assignments by the individual's employer 14139
under agreed terms and conditions of employment, and who is 14140
required pursuant to those terms and conditions to inquire with 14141
the individual's employer for available work assignments upon the 14142
conclusion of each work assignment, is not considered unable to 14143
obtain suitable employment if suitable work assignments are 14144
available with the employer but the individual fails to contact 14145
the employer to inquire about work assignments. 14146

(6) Participates in reemployment services, such as job search 14147
assistance services, if the individual has been determined to be 14148
likely to exhaust benefits under this chapter, including 14149
compensation payable pursuant to 5 U.S.C.A. Chapter 85, other than 14150
extended compensation, and needs reemployment services pursuant to 14151
the profiling system established by the director under division 14152
(K) of this section, unless the director determines that: 14153

(a) The individual has completed such services; or 14154

(b) There is justifiable cause for the claimant's failure to 14155
participate in such services. 14156

Ineligibility for failure to participate in reemployment 14157
services as described in division (A)(6) of this section shall be 14158
for the week or weeks in which the claimant was scheduled and 14159
failed to participate without justifiable cause. 14160

(7) Participates in the reemployment and eligibility 14161
assessment program, or other reemployment services, as required by 14162
the director. As used in division (A)(7) of this section, 14163

"reemployment services" includes job search assistance activities, 14164
skills assessments, and the provision of labor market statistics 14165
or analysis. 14166

(a) For purposes of division (A)(7) of this section, 14167
participation is required unless the director determines that 14168
either of the following circumstances applies to the individual: 14169

(i) The individual has completed similar services. 14170

(ii) Justifiable cause exists for the failure of the 14171
individual to participate in those services. 14172

(b) Within six months after ~~the effective date of this~~ 14173
~~amendment~~ October 11, 2013, notwithstanding any earlier contact an 14174
individual may have had with a local one-stop county office, 14175
including as described in section 6301.08 of the Revised Code, 14176
beginning with the eighth week after the week during which an 14177
individual first files a valid application for determination of 14178
benefit rights in the individual's benefit year, the individual 14179
shall report to a local one-stop county office for reemployment 14180
services in the manner prescribed by the director. 14181

(c) An individual whose active search for work requirement 14182
has been waived under division (A)(4)(a) of this section or is 14183
considered to be satisfied under division (A)(4)(c), (d), or (e) 14184
of this section is exempt from the requirements of division (A)(7) 14185
of this section. 14186

(B) An individual suffering total or partial unemployment is 14187
eligible for benefits for unemployment occurring subsequent to a 14188
waiting period of one week and no benefits shall be payable during 14189
this required waiting period. Not more than one week of waiting 14190
period shall be required of any individual in any benefit year in 14191
order to establish the individual's eligibility for total or 14192
partial unemployment benefits. 14193

(C) The waiting period for total or partial unemployment 14194

shall commence on the first day of the first week with respect to 14195
which the individual first files a claim for benefits at an 14196
employment office or other place of registration maintained or 14197
designated by the director or on the first day of the first week 14198
with respect to which the individual has otherwise filed a claim 14199
for benefits in accordance with the rules of the department of job 14200
and family services, provided such claim is allowed by the 14201
director. 14202

(D) Notwithstanding division (A) of this section, no 14203
individual may serve a waiting period or be paid benefits under 14204
the following conditions: 14205

(1) For any week with respect to which the director finds 14206
that: 14207

(a) The individual's unemployment was due to a labor dispute 14208
other than a lockout at any factory, establishment, or other 14209
premises located in this or any other state and owned or operated 14210
by the employer by which the individual is or was last employed; 14211
and for so long as the individual's unemployment is due to such 14212
labor dispute. No individual shall be disqualified under this 14213
provision if either of the following applies: 14214

(i) The individual's employment was with such employer at any 14215
factory, establishment, or premises located in this state, owned 14216
or operated by such employer, other than the factory, 14217
establishment, or premises at which the labor dispute exists, if 14218
it is shown that the individual is not financing, participating 14219
in, or directly interested in such labor dispute; 14220

(ii) The individual's employment was with an employer not 14221
involved in the labor dispute but whose place of business was 14222
located within the same premises as the employer engaged in the 14223
dispute, unless the individual's employer is a wholly owned 14224
subsidiary of the employer engaged in the dispute, or unless the 14225

individual actively participates in or voluntarily stops work 14226
because of such dispute. If it is established that the claimant 14227
was laid off for an indefinite period and not recalled to work 14228
prior to the dispute, or was separated by the employer prior to 14229
the dispute for reasons other than the labor dispute, or that the 14230
individual obtained a bona fide job with another employer while 14231
the dispute was still in progress, such labor dispute shall not 14232
render the employee ineligible for benefits. 14233

(b) The individual has been given a disciplinary layoff for 14234
misconduct in connection with the individual's work. 14235

(2) For the duration of the individual's unemployment if the 14236
director finds that: 14237

(a) The individual quit work without just cause or has been 14238
discharged for just cause in connection with the individual's 14239
work, provided division (D)(2) of this section does not apply to 14240
the separation of a person under any of the following 14241
circumstances: 14242

(i) Separation from employment for the purpose of entering 14243
the armed forces of the United States if the individual is 14244
inducted into the armed forces within one of the following 14245
periods: 14246

(I) Thirty days after separation; 14247

(II) One hundred eighty days after separation if the 14248
individual's date of induction is delayed solely at the discretion 14249
of the armed forces. 14250

(ii) Separation from employment pursuant to a 14251
labor-management contract or agreement, or pursuant to an 14252
established employer plan, program, or policy, which permits the 14253
employee, because of lack of work, to accept a separation from 14254
employment; 14255

(iii) The individual has left employment to accept a recall 14256
from a prior employer or, except as provided in division 14257
(D)(2)(a)(iv) of this section, to accept other employment as 14258
provided under section 4141.291 of the Revised Code, or left or 14259
was separated from employment that was concurrent employment at 14260
the time of the most recent separation or within six weeks prior 14261
to the most recent separation where the remuneration, hours, or 14262
other conditions of such concurrent employment were substantially 14263
less favorable than the individual's most recent employment and 14264
where such employment, if offered as new work, would be considered 14265
not suitable under the provisions of divisions (E) and (F) of this 14266
section. Any benefits that would otherwise be chargeable to the 14267
account of the employer from whom an individual has left 14268
employment or was separated from employment that was concurrent 14269
employment under conditions described in division (D)(2)(a)(iii) 14270
of this section, shall instead be charged to the mutualized 14271
account created by division (B) of section 4141.25 of the Revised 14272
Code, except that any benefits chargeable to the account of a 14273
reimbursing employer under division (D)(2)(a)(iii) of this section 14274
shall be charged to the account of the reimbursing employer and 14275
not to the mutualized account, except as provided in division 14276
(D)(2) of section 4141.24 of the Revised Code. 14277

(iv) When an individual has been issued a definite layoff 14278
date by the individual's employer and before the layoff date, the 14279
individual quits to accept other employment, the provisions of 14280
division (D)(2)(a)(iii) of this section apply and no 14281
disqualification shall be imposed under division (D) of this 14282
section. However, if the individual fails to meet the employment 14283
and earnings requirements of division (A)(2) of section 4141.291 14284
of the Revised Code, then the individual, pursuant to division 14285
(A)(5) of this section, shall be ineligible for benefits for any 14286
week of unemployment that occurs prior to the layoff date. 14287

(b) The individual has refused without good cause to accept 14288
an offer of suitable work when made by an employer either in 14289
person or to the individual's last known address, or has refused 14290
or failed to investigate a referral to suitable work when directed 14291
to do so by a local employment office of this state or another 14292
state, provided that this division shall not cause a 14293
disqualification for a waiting week or benefits under the 14294
following circumstances: 14295

(i) When work is offered by the individual's employer and the 14296
individual is not required to accept the offer pursuant to the 14297
terms of the labor-management contract or agreement; or 14298

(ii) When the individual is attending a training course 14299
pursuant to division (A)(4) of this section except, in the event 14300
of a refusal to accept an offer of suitable work or a refusal or 14301
failure to investigate a referral, benefits thereafter paid to 14302
such individual shall not be charged to the account of any 14303
employer and, except as provided in division (B)(1)(b) of section 14304
4141.241 of the Revised Code, shall be charged to the mutualized 14305
account as provided in division (B) of section 4141.25 of the 14306
Revised Code. 14307

(c) Such individual quit work to marry or because of marital, 14308
parental, filial, or other domestic obligations. 14309

(d) The individual became unemployed by reason of commitment 14310
to any correctional institution. 14311

(e) The individual became unemployed because of dishonesty in 14312
connection with the individual's most recent or any base period 14313
work. Remuneration earned in such work shall be excluded from the 14314
individual's total base period remuneration and qualifying weeks 14315
that otherwise would be credited to the individual for such work 14316
in the individual's base period shall not be credited for the 14317
purpose of determining the total benefits to which the individual 14318

is eligible and the weekly benefit amount to be paid under section 14319
4141.30 of the Revised Code. Such excluded remuneration and 14320
noncredited qualifying weeks shall be excluded from the 14321
calculation of the maximum amount to be charged, under division 14322
(D) of section 4141.24 and section 4141.33 of the Revised Code, 14323
against the accounts of the individual's base period employers. In 14324
addition, no benefits shall thereafter be paid to the individual 14325
based upon such excluded remuneration or noncredited qualifying 14326
weeks. 14327

For purposes of division (D)(2)(e) of this section, 14328
"dishonesty" means the commission of substantive theft, fraud, or 14329
deceitful acts. 14330

(E) No individual otherwise qualified to receive benefits 14331
shall lose the right to benefits by reason of a refusal to accept 14332
new work if: 14333

(1) As a condition of being so employed the individual would 14334
be required to join a company union, or to resign from or refrain 14335
from joining any bona fide labor organization, or would be denied 14336
the right to retain membership in and observe the lawful rules of 14337
any such organization. 14338

(2) The position offered is vacant due directly to a strike, 14339
lockout, or other labor dispute. 14340

(3) The work is at an unreasonable distance from the 14341
individual's residence, having regard to the character of the work 14342
the individual has been accustomed to do, and travel to the place 14343
of work involves expenses substantially greater than that required 14344
for the individual's former work, unless the expense is provided 14345
for. 14346

(4) The remuneration, hours, or other conditions of the work 14347
offered are substantially less favorable to the individual than 14348
those prevailing for similar work in the locality. 14349

(F) Subject to the special exceptions contained in division 14350
(A)(4)(f) of this section and section 4141.301 of the Revised 14351
Code, in determining whether any work is suitable for a claimant 14352
in the administration of this chapter, the director, in addition 14353
to the determination required under division (E) of this section, 14354
shall consider the degree of risk to the claimant's health, 14355
safety, and morals, the individual's physical fitness for the 14356
work, the individual's prior training and experience, the length 14357
of the individual's unemployment, the distance of the available 14358
work from the individual's residence, and the individual's 14359
prospects for obtaining local work. 14360

(G) The "duration of unemployment" as used in this section 14361
means the full period of unemployment next ensuing after a 14362
separation from any base period or subsequent work and until an 14363
individual has become reemployed in employment subject to this 14364
chapter, or the unemployment compensation act of another state, or 14365
of the United States, and until such individual has worked six 14366
weeks and for those weeks has earned or been paid remuneration 14367
equal to six times an average weekly wage of not less than: 14368
eighty-five dollars and ten cents per week beginning on June 26, 14369
1990; and beginning on and after January 1, 1992, twenty-seven and 14370
one-half per cent of the statewide average weekly wage as computed 14371
each first day of January under division (B)(3) of section 4141.30 14372
of the Revised Code, rounded down to the nearest dollar, except 14373
for purposes of division (D)(2)(c) of this section, such term 14374
means the full period of unemployment next ensuing after a 14375
separation from such work and until such individual has become 14376
reemployed subject to the terms set forth above, and has earned 14377
wages equal to one-half of the individual's average weekly wage or 14378
sixty dollars, whichever is less. 14379

(H) If a claimant is disqualified under division (D)(2)(a), 14380
(c), or (d) of this section or found to be qualified under the 14381

exceptions provided in division (D)(2)(a)(i), (iii), or (iv) of 14382
this section or division (A)(2) of section 4141.291 of the Revised 14383
Code, then benefits that may become payable to such claimant, 14384
which are chargeable to the account of the employer from whom the 14385
individual was separated under such conditions, shall be charged 14386
to the mutualized account provided in section 4141.25 of the 14387
Revised Code, provided that no charge shall be made to the 14388
mutualized account for benefits chargeable to a reimbursing 14389
employer, except as provided in division (D)(2) of section 4141.24 14390
of the Revised Code. In the case of a reimbursing employer, the 14391
director shall refund or credit to the account of the reimbursing 14392
employer any over-paid benefits that are recovered under division 14393
(B) of section 4141.35 of the Revised Code. Amounts chargeable to 14394
other states, the United States, or Canada that are subject to 14395
agreements and arrangements that are established pursuant to 14396
section 4141.43 of the Revised Code shall be credited or 14397
reimbursed according to the agreements and arrangements to which 14398
the chargeable amounts are subject. 14399

(I)(1) Benefits based on service in employment as provided in 14400
divisions (B)(2)(a) and (b) of section 4141.01 of the Revised Code 14401
shall be payable in the same amount, on the same terms, and 14402
subject to the same conditions as benefits payable on the basis of 14403
other service subject to this chapter; except that after December 14404
31, 1977: 14405

(a) Benefits based on service in an instructional, research, 14406
or principal administrative capacity in an institution of higher 14407
education, as defined in division (Y) of section 4141.01 of the 14408
Revised Code; or for an educational institution as defined in 14409
division (CC) of section 4141.01 of the Revised Code, shall not be 14410
paid to any individual for any week of unemployment that begins 14411
during the period between two successive academic years or terms, 14412
or during a similar period between two regular but not successive 14413

terms or during a period of paid sabbatical leave provided for in 14414
the individual's contract, if the individual performs such 14415
services in the first of those academic years or terms and has a 14416
contract or a reasonable assurance that the individual will 14417
perform services in any such capacity for any such institution in 14418
the second of those academic years or terms. 14419

(b) Benefits based on service for an educational institution 14420
or an institution of higher education in other than an 14421
instructional, research, or principal administrative capacity, 14422
shall not be paid to any individual for any week of unemployment 14423
which begins during the period between two successive academic 14424
years or terms of the employing educational institution or 14425
institution of higher education, provided the individual performed 14426
those services for the educational institution or institution of 14427
higher education during the first such academic year or term and, 14428
there is a reasonable assurance that such individual will perform 14429
those services for any educational institution or institution of 14430
higher education in the second of such academic years or terms. 14431

If compensation is denied to any individual for any week 14432
under division (I)(1)(b) of this section and the individual was 14433
not offered an opportunity to perform those services for an 14434
institution of higher education or for an educational institution 14435
for the second of such academic years or terms, the individual is 14436
entitled to a retroactive payment of compensation for each week 14437
for which the individual timely filed a claim for compensation and 14438
for which compensation was denied solely by reason of division 14439
(I)(1)(b) of this section. An application for retroactive benefits 14440
shall be timely filed if received by the director or the 14441
director's deputy within or prior to the end of the fourth full 14442
calendar week after the end of the period for which benefits were 14443
denied because of reasonable assurance of employment. The 14444
provision for the payment of retroactive benefits under division 14445

(I)(1)(b) of this section is applicable to weeks of unemployment 14446
beginning on and after November 18, 1983. The provisions under 14447
division (I)(1)(b) of this section shall be retroactive to 14448
September 5, 1982, only if, as a condition for full tax credit 14449
against the tax imposed by the "Federal Unemployment Tax Act," 53 14450
Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311, the United States 14451
secretary of labor determines that retroactivity is required by 14452
federal law. 14453

(c) With respect to weeks of unemployment beginning after 14454
December 31, 1977, benefits shall be denied to any individual for 14455
any week which commences during an established and customary 14456
vacation period or holiday recess, if the individual performs any 14457
services described in divisions (I)(1)(a) and (b) of this section 14458
in the period immediately before the vacation period or holiday 14459
recess, and there is a reasonable assurance that the individual 14460
will perform any such services in the period immediately following 14461
the vacation period or holiday recess. 14462

(d) With respect to any services described in division 14463
(I)(1)(a), (b), or (c) of this section, benefits payable on the 14464
basis of services in any such capacity shall be denied as 14465
specified in division (I)(1)(a), (b), or (c) of this section to 14466
any individual who performs such services in an educational 14467
institution or institution of higher education while in the employ 14468
of an educational service agency. For this purpose, the term 14469
"educational service agency" means a governmental agency or 14470
governmental entity that is established and operated exclusively 14471
for the purpose of providing services to one or more educational 14472
institutions or one or more institutions of higher education. 14473

(e) Any individual employed by a county board of 14474
developmental disabilities shall be notified by the thirtieth day 14475
of April each year if the individual is not to be reemployed the 14476
following academic year. 14477

(f) Any individual employed by a school district, other than 14478
a municipal school district as defined in section 3311.71 of the 14479
Revised Code, shall be notified by the first day of June each year 14480
if the individual is not to be reemployed the following academic 14481
year. 14482

(2) No disqualification will be imposed, between academic 14483
years or terms or during a vacation period or holiday recess under 14484
this division, unless the director or the director's deputy has 14485
received a statement in writing from the educational institution 14486
or institution of higher education that the claimant has a 14487
contract for, or a reasonable assurance of, reemployment for the 14488
ensuing academic year or term. 14489

(3) If an individual has employment with an educational 14490
institution or an institution of higher education and employment 14491
with a noneducational employer, during the base period of the 14492
individual's benefit year, then the individual may become eligible 14493
for benefits during the between-term, or vacation or holiday 14494
recess, disqualification period, based on employment performed for 14495
the noneducational employer, provided that the employment is 14496
sufficient to qualify the individual for benefit rights separately 14497
from the benefit rights based on school employment. The weekly 14498
benefit amount and maximum benefits payable during a 14499
disqualification period shall be computed based solely on the 14500
nonschool employment. 14501

(J) Benefits shall not be paid on the basis of employment 14502
performed by an alien, unless the alien had been lawfully admitted 14503
to the United States for permanent residence at the time the 14504
services were performed, was lawfully present for purposes of 14505
performing the services, or was otherwise permanently residing in 14506
the United States under color of law at the time the services were 14507
performed, under section 212(d)(5) of the "Immigration and 14508
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101: 14509

(1) Any data or information required of individuals applying 14510
for benefits to determine whether benefits are not payable to them 14511
because of their alien status shall be uniformly required from all 14512
applicants for benefits. 14513

(2) In the case of an individual whose application for 14514
benefits would otherwise be approved, no determination that 14515
benefits to the individual are not payable because of the 14516
individual's alien status shall be made except upon a 14517
preponderance of the evidence that the individual had not, in 14518
fact, been lawfully admitted to the United States. 14519

(K) The director shall establish and utilize a system of 14520
profiling all new claimants under this chapter that: 14521

(1) Identifies which claimants will be likely to exhaust 14522
regular compensation and will need job search assistance services 14523
to make a successful transition to new employment; 14524

(2) Refers claimants identified pursuant to division (K)(1) 14525
of this section to reemployment services, such as job search 14526
assistance services, available under any state or federal law; 14527

(3) Collects follow-up information relating to the services 14528
received by such claimants and the employment outcomes for such 14529
claimant's subsequent to receiving such services and utilizes such 14530
information in making identifications pursuant to division (K)(1) 14531
of this section; and 14532

(4) Meets such other requirements as the United States 14533
secretary of labor determines are appropriate. 14534

(L) Except as otherwise provided in division (A)(6) of this 14535
section, ineligibility pursuant to division (A) of this section 14536
shall begin on the first day of the week in which the claimant 14537
becomes ineligible for benefits and shall end on the last day of 14538
the week preceding the week in which the claimant satisfies the 14539
eligibility requirements. 14540

(M) The director may adopt rules that the director considers 14541
necessary for the administration of division (A) of this section. 14542

Sec. 4141.35. (A) If the director of job and family services 14543
finds that any fraudulent misrepresentation has been made by an 14544
applicant for or a recipient of benefits with the object of 14545
obtaining benefits to which the applicant or recipient was not 14546
entitled, and in addition to any other penalty or forfeiture under 14547
this chapter, then the director: 14548

(1) Shall within four years after the end of the benefit year 14549
in which the fraudulent misrepresentation was made reject or 14550
cancel such person's entire weekly claim for benefits that was 14551
fraudulently claimed, or the person's entire benefit rights if the 14552
misrepresentation was in connection with the filing of the 14553
claimant's application for determination of benefit rights; 14554

(2) Shall by order declare that, for each application for 14555
benefit rights and for each weekly claim canceled, such person 14556
shall be ineligible for two otherwise valid weekly claims for 14557
benefits, claimed within six years subsequent to the discovery of 14558
such misrepresentation; 14559

(3) By order shall require that the total amount of benefits 14560
rejected or canceled under division (A)(1) of this section be 14561
repaid to the director before such person may become eligible for 14562
further benefits, and shall withhold such unpaid sums from future 14563
benefit payments accruing and otherwise payable to such claimant. 14564
Effective with orders issued on or after January 1, 1993, if such 14565
benefits are not repaid within thirty days after the director's 14566
order becomes final, interest on the amount remaining unpaid shall 14567
be charged to the person at a rate and calculated in the same 14568
manner as provided under section 4141.23 of the Revised Code. When 14569
a person ordered to repay benefits has repaid all overpaid 14570
benefits according to a plan approved by the director, the 14571

director may cancel the amount of interest that accrued during the 14572
period of the repayment plan. The director may take action in any 14573
court of competent jurisdiction to collect benefits and interest 14574
as provided in sections 4141.23 and 4141.27 of the Revised Code, 14575
in regard to the collection of unpaid contributions, using the 14576
final repayment order as the basis for such action. Except as 14577
otherwise provided in this division, no administrative or legal 14578
proceedings for the collection of such benefits or interest due, 14579
or for the collection of a penalty under division (A)(4) of this 14580
section, shall be initiated after the expiration of six years from 14581
the date on which the director's order requiring repayment became 14582
final and the amount of any benefits, penalty, or interest not 14583
recovered at that time, and any liens thereon, shall be canceled 14584
as uncollectible. The time limit for instituting proceedings shall 14585
be extended by the period of any stay to the collection or by any 14586
other time period to which the parties mutually agree. 14587

(4) Shall, for findings made on or after October 21, 2013, by 14588
order assess a mandatory penalty on such a person in an amount 14589
equal to twenty-five per cent of the total amount of benefits 14590
rejected or canceled under division (A)(1) of this section. The 14591
first sixty per cent of each penalty collected under division 14592
(A)(4) of this section shall be deposited into the unemployment 14593
compensation fund created under section 4141.09 of the Revised 14594
Code, ~~and the~~ and shall be credited to the mutualized account, as 14595
provided in division (B)(2)(g) of section 4141.25 of the Revised 14596
Code. The remainder of each penalty collected shall be deposited 14597
into the unemployment compensation special administrative fund 14598
created under section 4141.11 of the Revised Code. 14599

(5) May take action to collect benefits fraudulently obtained 14600
under the unemployment compensation law of any other state or the 14601
United States or Canada. Such action may be initiated in the 14602
courts of this state in the same manner as provided for unpaid 14603

contributions in section 4141.41 of the Revised Code. 14604

(6) May take action to collect benefits that have been 14605
fraudulently obtained from the director, interest pursuant to 14606
division (A)(3) of this section, and court costs, through 14607
attachment proceedings under Chapter 2715. of the Revised Code and 14608
garnishment proceedings under Chapter 2716. of the Revised Code. 14609

(B) If the director finds that an applicant for benefits has 14610
been credited with a waiting period or paid benefits to which the 14611
applicant was not entitled for reasons other than fraudulent 14612
misrepresentation, the director shall: 14613

(1)(a) Within six months after the determination under which 14614
the claimant was credited with that waiting period or paid 14615
benefits becomes final pursuant to section 4141.28 of the Revised 14616
Code, or within three years after the end of the benefit year in 14617
which such benefits were claimed, whichever is later, by order 14618
cancel such waiting period and require that such benefits be 14619
repaid to the director or be withheld from any benefits to which 14620
such applicant is or may become entitled before any additional 14621
benefits are paid, provided that the repayment or withholding 14622
shall not be required where the overpayment is the result of the 14623
director's correcting a prior decision due to a typographical or 14624
clerical error in the director's prior decision, or an error in an 14625
employer's report under division (G) of section 4141.28 of the 14626
Revised Code. 14627

(b) The limitation specified in division (B)(1)(a) of this 14628
section shall not apply to cases involving the retroactive payment 14629
of remuneration covering periods for which benefits were 14630
previously paid to the claimant. However, in such cases, the 14631
director's order requiring repayment shall not be issued unless 14632
the director is notified of such retroactive payment within six 14633
months from the date the retroactive payment was made to the 14634
claimant. 14635

(2) The director may, by reciprocal agreement with the United States secretary of labor or another state, recover overpayment amounts from unemployment benefits otherwise payable to an individual under Chapter 4141. of the Revised Code. Any overpayments made to the individual that have not previously been recovered under an unemployment benefit program of the United States may be recovered in accordance with section 303(g) of the "Social Security Act" and sections 3304(a)(4) and 3306(f) of the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311.

(3) If the amounts required to be repaid under division (B) of this section are not recovered within three years from the date the director's order requiring payment became final, initiate no further action to collect such benefits and the amount of any benefits not recovered at that time shall be canceled as uncollectible, provided that the time limit for collection shall be extended by the period of any stay to the collection or by any other time period to which the parties mutually agree.

(C) The appeal provisions of sections 4141.281 and 4141.282 of the Revised Code shall apply to all orders and determinations issued under this section, except that an individual's right of appeal under division (B)(2) of this section shall be limited to this state's authority to recover overpayment of benefits.

(D) If an individual makes a full repayment or a repayment that is less than the full amount required by this section, the director shall apply the repayment to the mutualized account under division (B) of section 4141.25 of the Revised Code, except that the director shall credit the repayment to the accounts of the individual's base period employers that previously have not been credited for the amount of improperly paid benefits charged against their accounts based on the proportion of benefits charged against the accounts as determined pursuant to division (D) of

section 4141.24 of the Revised Code. 14668

The director shall deposit any repayment collected under this 14669
section that the director determines to be payment of interest or 14670
court costs into the unemployment compensation special 14671
administrative fund established pursuant to section 4141.11 of the 14672
Revised Code. 14673

This division does not apply to ~~federal~~ any of the following: 14674

(1) Federal tax refund offsets under 31 C.F.R. 285.8; 14675

(2) Unclaimed fund recoveries under section 131.024 of the 14676
Revised Code; 14677

(3) Lottery award offsets under section 3770.073 of the 14678
Revised Code; 14679

(4) State tax refund offsets under section 5747.12 of the 14680
Revised Code. 14681

Sec. 4303.021. (A) Permit A-1-A may be issued to the holder 14682
of an A-1, A-1c, or A-2 permit to sell beer and any intoxicating 14683
liquor at retail, only by the individual drink in glass or from a 14684
container, provided that one of the following applies to the A-1-A 14685
permit premises: 14686

(1) It is situated on the same parcel or tract of land as the 14687
related A-1, A-1c, or A-2 manufacturing permit premises. 14688

(2) It is separated from the parcel or tract of land on which 14689
is located the A-1, A-1c, or A-2 manufacturing permit premises 14690
only by public streets or highways or by other lands owned by the 14691
holder of the A-1, A-1c, or A-2 permit and used by the holder in 14692
connection with or in promotion of the holder's A-1, A-1c, or A-2 14693
permit business. 14694

(3) It is situated on a parcel or tract of land that is not 14695
more than one-half mile from the A-1, A-1c, or A-2 manufacturing 14696

permit premises. 14697

(B) The fee for this permit is three thousand nine hundred 14698
six dollars. 14699

(C)(1) The holder of an A-1-A permit may sell beer and any 14700
intoxicating liquor during the same hours as the holders of D-5 14701
permits under this chapter or Chapter 4301. of the Revised Code or 14702
the rules of the liquor control commission and shall obtain a 14703
license as a retail food establishment or a food service operation 14704
pursuant to Chapter 3717. of the Revised Code and operate as a 14705
restaurant for purposes of this chapter. 14706

(2) If a permit A-1-A is issued to the holder of an A-1 or 14707
A-1c permit, the A-1-A permit holder may sell beer at the A-1-A 14708
permit premises dispensed in glass containers with a capacity that 14709
does not exceed one gallon and not for consumption on the premises 14710
where sold if all of the following apply: 14711

(a) The A-1-A permit premises is situated in the same 14712
municipal corporation or township as the related A-1 or A-1c 14713
manufacturing permit premises. 14714

(b) The containers are sealed, marked, and transported in 14715
accordance with division (E) of section 4301.62 of the Revised 14716
Code. 14717

(c) The containers have been cleaned immediately before being 14718
filled in accordance with rule 4301:1-1-28 of the Administrative 14719
Code. 14720

(D) Except as otherwise provided in this section, ~~no~~ the 14721
division of liquor control shall not issue a new A-1-A permit 14722
shall be issued to the holder of an A-1, A-1c, or A-2 permit 14723
unless the sale of beer and intoxicating liquor under class D 14724
permits is permitted in the precinct in which the A-1, A-1c, or 14725
A-2 permit is located and, in the case of an A-2 permit, unless 14726
the holder of the A-2 permit manufactures or has a storage 14727

capacity of at least twenty-five thousand gallons of wine per 14728
year. The immediately preceding sentence does not prohibit the 14729
issuance of an A-1-A permit to an applicant for such a permit who 14730
is the holder of an A-1 permit and whose application was filed 14731
with the division of liquor control before June 1, 1994. The 14732
liquor control commission shall not restrict the number of A-1-A 14733
permits which may be located within a precinct. 14734

Sec. 4503.44. (A) As used in this section and in section 14735
4511.69 of the Revised Code: 14736

(1) "Person with a disability that limits or impairs the 14737
ability to walk" means any person who, as determined by a health 14738
care provider, meets any of the following criteria: 14739

(a) Cannot walk two hundred feet without stopping to rest; 14740

(b) Cannot walk without the use of, or assistance from, a 14741
brace, cane, crutch, another person, prosthetic device, 14742
wheelchair, or other assistive device; 14743

(c) Is restricted by a lung disease to such an extent that 14744
the person's forced (respiratory) expiratory volume for one 14745
second, when measured by spirometry, is less than one liter, or 14746
the arterial oxygen tension is less than sixty millimeters of 14747
mercury on room air at rest; 14748

(d) Uses portable oxygen; 14749

(e) Has a cardiac condition to the extent that the person's 14750
functional limitations are classified in severity as class III or 14751
class IV according to standards set by the American heart 14752
association; 14753

(f) Is severely limited in the ability to walk due to an 14754
arthritic, neurological, or orthopedic condition; 14755

(g) Is blind, legally blind, or severely visually impaired. 14756

(2) "Organization" means any private organization or corporation, or any governmental board, agency, department, division, or office, that, as part of its business or program, transports persons with disabilities that limit or impair the ability to walk on a regular basis in a motor vehicle that has not been altered for the purpose of providing it with special equipment for use by persons with disabilities. This definition does not apply to division ~~(F)~~(I) of this section.

(3) "Health care provider" means a physician, physician assistant, advanced practice registered nurse, optometrist, or chiropractor as defined in this section except that an optometrist shall only make determinations as to division (A)(1)(g) of this section.

(4) "Physician" means a person licensed to practice medicine or surgery or osteopathic medicine and surgery under Chapter 4731. of the Revised Code.

(5) "Chiropractor" means a person licensed to practice chiropractic under Chapter 4734. of the Revised Code.

(6) "Advanced practice registered nurse" means a certified nurse practitioner, clinical nurse specialist, certified registered nurse anesthetist, or certified nurse-midwife who holds a certificate of authority issued by the board of nursing under Chapter 4723. of the Revised Code.

(7) "Physician assistant" means a person who holds a certificate to practice as a physician assistant issued under Chapter 4730. of the Revised Code.

(8) "Optometrist" means a person licensed to engage in the practice of optometry under Chapter 4725. of the Revised Code.

(B) ~~Any (1) An~~ organization, or a person with a disability that limits or impairs the ability to walk ~~may apply to the registrar of motor vehicles for a removable windshield placard or,~~

~~if the person owns or leases a motor vehicle, the person, may~~ 14788
~~apply for the registration of any motor vehicle the organization~~ 14789
~~or person owns or leases. In addition to one or more sets of~~ 14790
~~license plates or one placard, a person with a disability that~~ 14791
~~limits or impairs the ability to walk is entitled to one~~ 14792
~~additional placard, but only if the person applies separately for~~ 14793
~~the additional placard, states the reasons why the additional~~ 14794
~~placard is needed, and the registrar, in the registrar's~~ 14795
~~discretion, determines that good and justifiable cause exists to~~ 14796
~~approve the request for the additional placard. When a motor~~ 14797
vehicle has been altered for the purpose of providing it with 14798
special equipment for a person with a disability that limits or 14799
impairs the ability to walk, but is owned or leased by someone 14800
other than such a person, the owner or lessee may apply to the 14801
registrar or a deputy registrar for registration under this 14802
section. The application for registration of a motor vehicle owned 14803
or leased by a person with a disability that limits or impairs the 14804
ability to walk shall be accompanied by a signed statement from 14805
the applicant's health care provider certifying that the applicant 14806
meets at least one of the criteria contained in division (A)(1) of 14807
this section and that the disability is expected to continue for 14808
more than six consecutive months. ~~The application for a removable~~ 14809
~~windshield placard made by a person with a disability that limits~~ 14810
~~or impairs the ability to walk shall be accompanied by a~~ 14811
~~prescription from the applicant's health care provider prescribing~~ 14812
~~such a placard for the applicant, provided that the applicant~~ 14813
~~meets at least one of the criteria contained in division (A)(1) of~~ 14814
~~this section. The health care provider shall state on the~~ 14815
~~prescription the length of time the health care provider expects~~ 14816
~~the applicant to have the disability that limits or impairs the~~ 14817
~~applicant's ability to walk. The application for a removable~~ 14818
~~windshield placard made by an organization shall be accompanied by~~ 14819
~~such documentary evidence of regular transport of persons with~~ 14820

~~disabilities that limit or impair the ability to walk by the~~ 14821
~~organization as the registrar may require by rule and shall be~~ 14822
~~completed in accordance with procedures that the registrar may~~ 14823
~~require by rule.~~ The application for registration of a motor 14824
vehicle that has been altered for the purpose of providing it with 14825
special equipment for a person with a disability that limits or 14826
impairs the ability to walk but is owned by someone other than 14827
such a person shall be accompanied by such documentary evidence of 14828
vehicle alterations as the registrar may require by rule. 14829

~~(C)~~(2) When an organization, a person with a disability that 14830
limits or impairs the ability to walk, or a person who does not 14831
have a disability that limits or impairs the ability to walk but 14832
owns a motor vehicle that has been altered for the purpose of 14833
providing it with special equipment for a person with a disability 14834
that limits or impairs the ability to walk first submits an 14835
application for registration of a motor vehicle under this section 14836
and every fifth year thereafter, the organization or person shall 14837
submit a signed statement from the applicant's health care 14838
provider, a completed application, and any required documentary 14839
evidence of vehicle alterations as provided in division (B)(1) of 14840
this section, and also a power of attorney from the owner of the 14841
motor vehicle if the applicant leases the vehicle. Upon submission 14842
of these items, the registrar or deputy registrar shall issue to 14843
the applicant appropriate vehicle registration and a set of 14844
license plates and validation stickers, or validation stickers 14845
alone when required by section 4503.191 of the Revised Code. In 14846
addition to the letters and numbers ordinarily inscribed thereon, 14847
the license plates shall be imprinted with the international 14848
symbol of access. The license plates and validation stickers shall 14849
be issued upon payment of the regular license fee as prescribed 14850
under section 4503.04 of the Revised Code and any motor vehicle 14851
tax levied under Chapter 4504. of the Revised Code, and the 14852
payment of a service fee equal to the amount specified in division 14853

(D) or (G) of section 4503.10 of the Revised Code. 14854

~~(D)~~(C)(1) A person with a disability that limits or impairs 14855
the ability to walk may apply to the registrar of motor vehicles 14856
for a removable windshield placard by completing and signing an 14857
application provided by the registrar. The person shall include 14858
with the application a prescription from the person's health care 14859
provider prescribing such a placard for the person based upon a 14860
determination that the person meets at least one of the criteria 14861
contained in division (A)(1) of this section. The health care 14862
provider shall state on the prescription the length of time the 14863
health care provider expects the applicant to have the disability 14864
that limits or impairs the person's ability to walk. 14865

In addition to one placard or one or more sets of license 14866
plates, a person with a disability that limits or impairs the 14867
ability to walk is entitled to one additional placard, but only if 14868
the person applies separately for the additional placard, states 14869
the reasons why the additional placard is needed, and the 14870
registrar, in the registrar's discretion determines that good and 14871
justifiable cause exists to approve the request for the additional 14872
placard. 14873

(2) An organization may apply to the registrar of motor 14874
vehicles for a removable windshield placard by completing and 14875
signing an application provided by the registrar. The organization 14876
shall comply with any procedures the registrar establishes by 14877
rule. The organization shall include with the application 14878
documentary evidence that the registrar requires by rule showing 14879
that the organization regularly transports persons with 14880
disabilities that limit or impair the ability to walk. 14881

(3) Upon receipt of a completed and signed application for a 14882
removable windshield placard, a prescription as described in 14883
division (B) of this section, documentary evidence of regular 14884
transport of persons with disabilities that limit or impair the 14885

ability to walk, if required the accompanying documents required 14886
under division (C)(1) or (2) of this section, and payment of a 14887
service fee equal to the amount specified in division (D) or (G) 14888
of section 4503.10 of the Revised Code, the registrar or deputy 14889
registrar shall issue to the applicant a removable windshield 14890
placard, which shall bear the date of expiration on both sides of 14891
the placard and shall be valid until expired, revoked, or 14892
surrendered. Every removable windshield placard expires as 14893
described in division ~~(D)~~~~(2)~~(C)(4) of this section, but in no case 14894
shall a removable windshield placard be valid for a period of less 14895
than sixty days. Removable windshield placards shall be renewable 14896
upon application as provided in division ~~(B)~~(C)(1) or (2) of this 14897
section, and upon payment of a service fee equal to the amount 14898
specified in division (D) or (G) of section 4503.10 of the Revised 14899
Code ~~shall be charged~~ for the renewal of a removable windshield 14900
placard. The registrar shall provide the application form and 14901
shall determine the information to be included thereon. The 14902
registrar also shall determine the form and size of the removable 14903
windshield placard, the material of which it is to be made, and 14904
any other information to be included thereon, and shall adopt 14905
rules relating to the issuance, expiration, revocation, surrender, 14906
and proper display of such placards. Any placard issued after 14907
October 14, 1999, shall be manufactured in a manner that allows 14908
the expiration date of the placard to be indicated on it through 14909
the punching, drilling, boring, or creation by any other means of 14910
holes in the placard. 14911

~~(2)~~(4) At the time a removable windshield placard is issued 14912
to a person with a disability that limits or impairs the ability 14913
to walk, the registrar or deputy registrar shall enter into the 14914
records of the bureau of motor vehicles the last date on which the 14915
person will have that disability, as indicated on the accompanying 14916
prescription. Not less than thirty days prior to that date and all 14917
removable windshield placard renewal dates, the bureau shall send 14918

a renewal notice to that person at the person's last known address 14919
as shown in the records of the bureau, informing the person that 14920
the person's removable windshield placard will expire on the 14921
indicated date not to exceed five years from the date of issuance, 14922
and that the person is required to renew the placard by submitting 14923
to the registrar or a deputy registrar another prescription, as 14924
described in division ~~(B)~~(C)(1) or (2) of this section, and by 14925
complying with the renewal provisions prescribed in division 14926
~~(D)(1)~~(C)(3) of this section. If such a prescription is not 14927
received by the registrar or a deputy registrar by that date, the 14928
placard issued to that person expires and no longer is valid, and 14929
this fact shall be recorded in the records of the bureau. 14930

~~(3)~~(5) At least once every year, on a date determined by the 14931
registrar, the bureau shall examine the records of the office of 14932
vital statistics, located within the department of health, that 14933
pertain to deceased persons, and also the bureau's records of all 14934
persons who have been issued removable windshield placards and 14935
temporary removable windshield placards. If the records of the 14936
office of vital statistics indicate that a person to whom a 14937
removable windshield placard or temporary removable windshield 14938
placard has been issued is deceased, the bureau shall cancel that 14939
placard, and note the cancellation in its records. 14940

The office of vital statistics shall make available to the 14941
bureau all information necessary to enable the bureau to comply 14942
with division ~~(D)(3)~~(C)(5) of this section. 14943

~~(4)~~(6) Nothing in this section shall be construed to require 14944
a person or organization to apply for a removable windshield 14945
placard or special license plates if the ~~parking card or~~ special 14946
license plates issued to the person or organization under prior 14947
law have not expired or been surrendered or revoked. 14948

~~(E)~~(D)(1)(a) ~~Any~~ A person with a disability that limits or 14949
impairs the ability to walk may apply to the registrar or a deputy 14950

registrar for a temporary removable windshield placard. The 14951
application for a temporary removable windshield placard shall be 14952
accompanied by a prescription from the applicant's health care 14953
provider prescribing such a placard for the applicant, provided 14954
that the applicant meets at least one of the criteria contained in 14955
division (A)(1) of this section and that the disability is 14956
expected to continue for six consecutive months or less. The 14957
health care provider shall state on the prescription the length of 14958
time the health care provider expects the applicant to have the 14959
disability that limits or impairs the applicant's ability to walk, 14960
which cannot exceed six months from the date of the prescription. 14961
Upon receipt of an application for a temporary removable 14962
windshield placard, presentation of the prescription from the 14963
applicant's health care provider, and payment of a service fee 14964
equal to the amount specified in division (D) or (G) of section 14965
4503.10 of the Revised Code, the registrar or deputy registrar 14966
shall issue to the applicant a temporary removable windshield 14967
placard. 14968

(b) Any active-duty member of the armed forces of the United 14969
States, including the reserve components of the armed forces and 14970
the national guard, who has an illness or injury that limits or 14971
impairs the ability to walk may apply to the registrar or a deputy 14972
registrar for a temporary removable windshield placard. With the 14973
application, the person shall present evidence of the person's 14974
active-duty status and the illness or injury. Evidence of the 14975
illness or injury may include a current department of defense 14976
convalescent leave statement, any department of defense document 14977
indicating that the person currently has an ill or injured 14978
casualty status or has limited duties, or a prescription from any 14979
health care provider prescribing the placard for the applicant. 14980
Upon receipt of the application and the necessary evidence, the 14981
registrar or deputy registrar shall issue the applicant the 14982
temporary removable windshield placard without the payment of any 14983

service fee. 14984

(2) The temporary removable windshield placard shall be of 14985
the same size and form as the removable windshield placard, shall 14986
be printed in white on a red-colored background, and shall bear 14987
the word "temporary" in letters of such size as the registrar 14988
shall prescribe. A temporary removable windshield placard also 14989
shall bear the date of expiration on the front and back of the 14990
placard, and shall be valid until expired, surrendered, or 14991
revoked, but in no case shall such a placard be valid for a period 14992
of less than sixty days. The registrar shall provide the 14993
application form and shall determine the information to be 14994
included on it, provided that the registrar shall not require a 14995
health care provider's prescription or certification for a person 14996
applying under division ~~(E)~~(D)(1)(b) of this section. The 14997
registrar also shall determine the material of which the temporary 14998
removable windshield placard is to be made and any other 14999
information to be included on the placard and shall adopt rules 15000
relating to the issuance, expiration, surrender, revocation, and 15001
proper display of those placards. Any temporary removable 15002
windshield placard issued after October 14, 1999, shall be 15003
manufactured in a manner that allows for the expiration date of 15004
the placard to be indicated on it through the punching, drilling, 15005
boring, or creation by any other means of holes in the placard. 15006

~~(F)~~(E) If an applicant for a removable windshield placard is 15007
a veteran of the armed forces of the United States whose 15008
disability, as defined in division (A)(1) of this section, is 15009
service-connected, the registrar or deputy registrar, upon receipt 15010
of the application, presentation of a signed statement from the 15011
applicant's health care provider certifying the applicant's 15012
disability, and presentation of such documentary evidence from the 15013
department of veterans affairs that the disability of the 15014
applicant meets at least one of the criteria identified in 15015

division (A)(1) of this section and is service-connected as the 15016
registrar may require by rule, but without the payment of any 15017
service fee, shall issue the applicant a removable windshield 15018
placard that is valid until expired, surrendered, or revoked. 15019

~~(G)~~(F) Upon a conviction of a violation of division (H) or 15020
(I), ~~(J)~~, ~~or (K)~~ of this section, the court shall report the 15021
conviction, and send the placard ~~or parking card~~, if available, to 15022
the registrar, who thereupon shall revoke the privilege of using 15023
the placard ~~or parking card~~ and send notice in writing to the 15024
placardholder ~~or cardholder~~ at that holder's last known address as 15025
shown in the records of the bureau, and the placardholder ~~or~~ 15026
~~cardholder~~ shall return the placard ~~or card~~ if not previously 15027
surrendered to the court, to the registrar within ten days 15028
following mailing of the notice. 15029

Whenever a person to whom a removable windshield placard ~~or~~ 15030
~~parking card~~ has been issued moves to another state, the person 15031
shall surrender the placard ~~or card~~ to the registrar; and whenever 15032
an organization to which a placard ~~or card~~ has been issued changes 15033
its place of operation to another state, the organization shall 15034
surrender the placard ~~or card~~ to the registrar. 15035

~~(H)~~(G) Subject to division (F) of section 4511.69 of the 15036
Revised Code, the operator of a motor vehicle displaying a 15037
removable windshield placard, temporary removable windshield 15038
placard, ~~parking card~~, or the special license plates authorized by 15039
this section is entitled to park the motor vehicle in any special 15040
parking location reserved for persons with disabilities that limit 15041
or impair the ability to walk, also known as handicapped parking 15042
spaces or disability parking spaces. 15043

~~(I)~~(H) No person or organization that is not eligible for the 15044
issuance of license plates or any placard under ~~division (B) or~~ 15045
~~(E)~~ of this section shall willfully and falsely represent that the 15046
person or organization is so eligible. 15047

No person or organization shall display license plates issued 15048
under this section unless the license plates have been issued for 15049
the vehicle on which they are displayed and are valid. 15050

~~(J)~~(I) No person or organization to which a removable 15051
windshield placard or temporary removable windshield placard is 15052
issued shall do either of the following: 15053

(1) Display or permit the display of the placard on any motor 15054
vehicle when having reasonable cause to believe the motor vehicle 15055
is being used in connection with an activity that does not include 15056
providing transportation for persons with disabilities that limit 15057
or impair the ability to walk; 15058

(2) Refuse to return or surrender the placard, when required. 15059

~~(K)(1) No person or organization to which a parking card is 15060
issued shall do either of the following: 15061~~

~~(a) Display or permit the display of the parking card on any 15062
motor vehicle when having reasonable cause to believe the motor 15063
vehicle is being used in connection with an activity that does not 15064
include providing transportation for a person with a disability; 15065~~

~~(b) Refuse to return or surrender the parking card, when 15066
required. 15067~~

~~(2) As used in division (K) of this section: 15068~~

~~(a) "Person with a disability" means any person who has lost 15069
the use of one or both legs or one or both arms, who is blind, 15070
deaf, or so severely disabled as to be unable to move about 15071
without the aid of crutches or a wheelchair, or whose mobility is 15072
restricted by a permanent cardiovascular, pulmonary, or other 15073
disabling condition. 15074~~

~~(b) "Organization" means any private organization or 15075
corporation, or any governmental board, agency, department, 15076
division, or office, that, as part of its business or program, 15077~~

~~transports persons with disabilities on a regular basis in a motor 15078
vehicle that has not been altered for the purposes of providing it 15079
with special equipment for use by persons with disabilities. 15080~~

~~(L)~~(J) If a removable windshield placard, temporary removable 15081
windshield placard, or parking card is lost, destroyed, or 15082
mutilated, the placardholder or cardholder may obtain a duplicate 15083
by doing both of the following: 15084

(1) Furnishing suitable proof of the loss, destruction, or 15085
mutilation to the registrar; 15086

(2) Paying a service fee equal to the amount specified in 15087
division (D) or (G) of section 4503.10 of the Revised Code. 15088

Any placardholder or cardholder who loses a placard or card 15089
and, after obtaining a duplicate, finds the original, immediately 15090
shall surrender the original placard or card to the registrar. 15091

~~(M)~~(K)(1) The registrar shall pay all fees received under 15092
this section for the issuance of removable windshield placards or 15093
temporary removable windshield placards or duplicate removable 15094
windshield placards or cards into the state treasury to the credit 15095
of the state bureau of motor vehicles fund created in section 15096
4501.25 of the Revised Code. 15097

~~(N)~~(2) In addition to the fees collected under this section, 15098
the registrar or deputy registrar shall ask each person applying 15099
for a removable windshield placard or temporary removable 15100
windshield placard or duplicate removable windshield placard or 15101
license plate issued under this section, whether the person wishes 15102
to make a two-dollar voluntary contribution to support 15103
rehabilitation employment services. The registrar shall transmit 15104
the contributions received under this division to the treasurer of 15105
state for deposit into the rehabilitation employment fund, which 15106
is hereby created in the state treasury. A deputy registrar shall 15107
transmit the contributions received under this division to the 15108

registrar in the time and manner prescribed by the registrar. The 15109
contributions in the fund shall be used by the opportunities for 15110
Ohioans with disabilities agency to purchase services related to 15111
vocational evaluation, work adjustment, personal adjustment, job 15112
placement, job coaching, and community-based assessment from 15113
accredited community rehabilitation program facilities. 15114

~~(O)~~(L) For purposes of enforcing this section, every peace 15115
officer is deemed to be an agent of the registrar. Any peace 15116
officer or any authorized employee of the bureau of motor vehicles 15117
who, in the performance of duties authorized by law, becomes aware 15118
of a person whose placard or parking card has been revoked 15119
pursuant to this section, may confiscate that placard or parking 15120
card and return it to the registrar. The registrar shall prescribe 15121
any forms used by law enforcement agencies in administering this 15122
section. 15123

No peace officer, law enforcement agency employing a peace 15124
officer, or political subdivision or governmental agency employing 15125
a peace officer, and no employee of the bureau is liable in a 15126
civil action for damages or loss to persons arising out of the 15127
performance of any duty required or authorized by this section. As 15128
used in this division, "peace officer" has the same meaning as in 15129
division (B) of section 2935.01 of the Revised Code. 15130

~~(P)~~(M) All applications for registration of motor vehicles, 15131
removable windshield placards, and temporary removable windshield 15132
placards issued under this section, all renewal notices for such 15133
items, and all other publications issued by the bureau that relate 15134
to this section shall set forth the criminal penalties that may be 15135
imposed upon a person who violates any provision relating to 15136
special license plates issued under this section, the parking of 15137
vehicles displaying such license plates, and the issuance, 15138
procurement, use, and display of removable windshield placards and 15139
temporary removable windshield placards issued under this section. 15140

~~(Q)~~(N) Whoever violates this section is guilty of a 15141
misdemeanor of the fourth degree. 15142

Sec. 4511.191. (A)(1) As used in this section: 15143

(a) "Physical control" has the same meaning as in section 15144
4511.194 of the Revised Code. 15145

(b) "Alcohol monitoring device" means any device that 15146
provides for continuous alcohol monitoring, any ignition interlock 15147
device, any immobilizing or disabling device other than an 15148
ignition interlock device that is constantly available to monitor 15149
the concentration of alcohol in a person's system, or any other 15150
device that provides for the automatic testing and periodic 15151
reporting of alcohol consumption by a person and that a court 15152
orders a person to use as a sanction imposed as a result of the 15153
person's conviction of or plea of guilty to an offense. 15154

(2) Any person who operates a vehicle, streetcar, or 15155
trackless trolley upon a highway or any public or private property 15156
used by the public for vehicular travel or parking within this 15157
state or who is in physical control of a vehicle, streetcar, or 15158
trackless trolley shall be deemed to have given consent to a 15159
chemical test or tests of the person's whole blood, blood serum or 15160
plasma, breath, or urine to determine the alcohol, drug of abuse, 15161
controlled substance, metabolite of a controlled substance, or 15162
combination content of the person's whole blood, blood serum or 15163
plasma, breath, or urine if arrested for a violation of division 15164
(A) or (B) of section 4511.19 of the Revised Code, section 15165
4511.194 of the Revised Code or a substantially equivalent 15166
municipal ordinance, or a municipal OVI ordinance. 15167

(3) The chemical test or tests under division (A)(2) of this 15168
section shall be administered at the request of a law enforcement 15169
officer having reasonable grounds to believe the person was 15170
operating or in physical control of a vehicle, streetcar, or 15171

trackless trolley in violation of a division, section, or 15172
ordinance identified in division (A)(2) of this section. The law 15173
enforcement agency by which the officer is employed shall 15174
designate which of the tests shall be administered. 15175

(4) Any person who is dead or unconscious, or who otherwise 15176
is in a condition rendering the person incapable of refusal, shall 15177
be deemed to have consented as provided in division (A)(2) of this 15178
section, and the test or tests may be administered, subject to 15179
sections 313.12 to 313.16 of the Revised Code. 15180

(5)(a) If a law enforcement officer arrests a person for a 15181
violation of division (A) or (B) of section 4511.19 of the Revised 15182
Code, section 4511.194 of the Revised Code or a substantially 15183
equivalent municipal ordinance, or a municipal OVI ordinance and 15184
if the person if convicted would be required to be sentenced under 15185
division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised 15186
Code, the law enforcement officer shall request the person to 15187
submit, and the person shall submit, to a chemical test or tests 15188
of the person's whole blood, blood serum or plasma, breath, or 15189
urine for the purpose of determining the alcohol, drug of abuse, 15190
controlled substance, metabolite of a controlled substance, or 15191
combination content of the person's whole blood, blood serum or 15192
plasma, breath, or urine. A law enforcement officer who makes a 15193
request pursuant to this division that a person submit to a 15194
chemical test or tests is not required to advise the person of the 15195
consequences of submitting to, or refusing to submit to, the test 15196
or tests and is not required to give the person the form described 15197
in division (B) of section 4511.192 of the Revised Code, but the 15198
officer shall advise the person at the time of the arrest that if 15199
the person refuses to take a chemical test the officer may employ 15200
whatever reasonable means are necessary to ensure that the person 15201
submits to a chemical test of the person's whole blood or blood 15202
serum or plasma. The officer shall also advise the person at the 15203

time of the arrest that the person may have an independent 15204
chemical test taken at the person's own expense. Divisions (A)(3) 15205
and (4) of this section apply to the administration of a chemical 15206
test or tests pursuant to this division. 15207

(b) If a person refuses to submit to a chemical test upon a 15208
request made pursuant to division (A)(5)(a) of this section, the 15209
law enforcement officer who made the request may employ whatever 15210
reasonable means are necessary to ensure that the person submits 15211
to a chemical test of the person's whole blood or blood serum or 15212
plasma. A law enforcement officer who acts pursuant to this 15213
division to ensure that a person submits to a chemical test of the 15214
person's whole blood or blood serum or plasma is immune from 15215
criminal and civil liability based upon a claim for assault and 15216
battery or any other claim for the acts, unless the officer so 15217
acted with malicious purpose, in bad faith, or in a wanton or 15218
reckless manner. 15219

(B)(1) Upon receipt of the sworn report of a law enforcement 15220
officer who arrested a person for a violation of division (A) or 15221
(B) of section 4511.19 of the Revised Code, section 4511.194 of 15222
the Revised Code or a substantially equivalent municipal 15223
ordinance, or a municipal OVI ordinance that was completed and 15224
sent to the registrar of motor vehicles and a court pursuant to 15225
section 4511.192 of the Revised Code in regard to a person who 15226
refused to take the designated chemical test, the registrar shall 15227
enter into the registrar's records the fact that the person's 15228
driver's or commercial driver's license or permit or nonresident 15229
operating privilege was suspended by the arresting officer under 15230
this division and that section and the period of the suspension, 15231
as determined under this section. The suspension shall be subject 15232
to appeal as provided in section 4511.197 of the Revised Code. The 15233
suspension shall be for whichever of the following periods 15234
applies: 15235

(a) Except when division (B)(1)(b), (c), or (d) of this section applies and specifies a different class or length of suspension, the suspension shall be a class C suspension for the period of time specified in division (B)(3) of section 4510.02 of the Revised Code.

(b) If the arrested person, within six years of the date on which the person refused the request to consent to the chemical test, had refused one previous request to consent to a chemical test or had been convicted of or pleaded guilty to one violation of division (A) or (B) of section 4511.19 of the Revised Code or one other equivalent offense, the suspension shall be a class B suspension imposed for the period of time specified in division (B)(2) of section 4510.02 of the Revised Code.

(c) If the arrested person, within six years of the date on which the person refused the request to consent to the chemical test, had refused two previous requests to consent to a chemical test, had been convicted of or pleaded guilty to two violations of division (A) or (B) of section 4511.19 of the Revised Code or other equivalent offenses, or had refused one previous request to consent to a chemical test and also had been convicted of or pleaded guilty to one violation of division (A) or (B) of section 4511.19 of the Revised Code or other equivalent offenses, which violation or offense arose from an incident other than the incident that led to the refusal, the suspension shall be a class A suspension imposed for the period of time specified in division (B)(1) of section 4510.02 of the Revised Code.

(d) If the arrested person, within six years of the date on which the person refused the request to consent to the chemical test, had refused three or more previous requests to consent to a chemical test, had been convicted of or pleaded guilty to three or more violations of division (A) or (B) of section 4511.19 of the Revised Code or other equivalent offenses, or had refused a number

of previous requests to consent to a chemical test and also had 15268
been convicted of or pleaded guilty to a number of violations of 15269
division (A) or (B) of section 4511.19 of the Revised Code or 15270
other equivalent offenses that cumulatively total three or more 15271
such refusals, convictions, and guilty pleas, the suspension shall 15272
be for five years. 15273

(2) The registrar shall terminate a suspension of the 15274
driver's or commercial driver's license or permit of a resident or 15275
of the operating privilege of a nonresident, or a denial of a 15276
driver's or commercial driver's license or permit, imposed 15277
pursuant to division (B)(1) of this section upon receipt of notice 15278
that the person has entered a plea of guilty to, or that the 15279
person has been convicted after entering a plea of no contest to, 15280
operating a vehicle in violation of section 4511.19 of the Revised 15281
Code or in violation of a municipal OVI ordinance, if the offense 15282
for which the conviction is had or the plea is entered arose from 15283
the same incident that led to the suspension or denial. 15284

The registrar shall credit against any judicial suspension of 15285
a person's driver's or commercial driver's license or permit or 15286
nonresident operating privilege imposed pursuant to section 15287
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 15288
Revised Code for a violation of a municipal OVI ordinance, any 15289
time during which the person serves a related suspension imposed 15290
pursuant to division (B)(1) of this section. 15291

(C)(1) Upon receipt of the sworn report of the law 15292
enforcement officer who arrested a person for a violation of 15293
division (A) or (B) of section 4511.19 of the Revised Code or a 15294
municipal OVI ordinance that was completed and sent to the 15295
registrar and a court pursuant to section 4511.192 of the Revised 15296
Code in regard to a person whose test results indicate that the 15297
person's whole blood, blood serum or plasma, breath, or urine 15298
contained at least the concentration of alcohol specified in 15299

division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the Revised Code or at least the concentration of a listed controlled substance or a listed metabolite of a controlled substance specified in division (A)(1)(j) of section 4511.19 of the Revised Code, the registrar shall enter into the registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under this division and section 4511.192 of the Revised Code and the period of the suspension, as determined under divisions (C)(1)(a) to (d) of this section. The suspension shall be subject to appeal as provided in section 4511.197 of the Revised Code. The suspension described in this division does not apply to, and shall not be imposed upon, a person arrested for a violation of section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance who submits to a designated chemical test. The suspension shall be for whichever of the following periods applies:

(a) Except when division (C)(1)(b), (c), or (d) of this section applies and specifies a different period, the suspension shall be a class E suspension imposed for the period of time specified in division (B)(5) of section 4510.02 of the Revised Code.

(b) The suspension shall be a class C suspension for the period of time specified in division (B)(3) of section 4510.02 of the Revised Code if the person has been convicted of or pleaded guilty to, within six years of the date the test was conducted, one violation of division (A) or (B) of section 4511.19 of the Revised Code or one other equivalent offense.

(c) If, within six years of the date the test was conducted, the person has been convicted of or pleaded guilty to two violations of a statute or ordinance described in division (C)(1)(b) of this section, the suspension shall be a class B

suspension imposed for the period of time specified in division 15332
(B)(2) of section 4510.02 of the Revised Code. 15333

(d) If, within six years of the date the test was conducted, 15334
the person has been convicted of or pleaded guilty to more than 15335
two violations of a statute or ordinance described in division 15336
(C)(1)(b) of this section, the suspension shall be a class A 15337
suspension imposed for the period of time specified in division 15338
(B)(1) of section 4510.02 of the Revised Code. 15339

(2) The registrar shall terminate a suspension of the 15340
driver's or commercial driver's license or permit of a resident or 15341
of the operating privilege of a nonresident, or a denial of a 15342
driver's or commercial driver's license or permit, imposed 15343
pursuant to division (C)(1) of this section upon receipt of notice 15344
that the person has entered a plea of guilty to, or that the 15345
person has been convicted after entering a plea of no contest to, 15346
operating a vehicle in violation of section 4511.19 of the Revised 15347
Code or in violation of a municipal OVI ordinance, if the offense 15348
for which the conviction is had or the plea is entered arose from 15349
the same incident that led to the suspension or denial. 15350

The registrar shall credit against any judicial suspension of 15351
a person's driver's or commercial driver's license or permit or 15352
nonresident operating privilege imposed pursuant to section 15353
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 15354
Revised Code for a violation of a municipal OVI ordinance, any 15355
time during which the person serves a related suspension imposed 15356
pursuant to division (C)(1) of this section. 15357

(D)(1) A suspension of a person's driver's or commercial 15358
driver's license or permit or nonresident operating privilege 15359
under this section for the time described in division (B) or (C) 15360
of this section is effective immediately from the time at which 15361
the arresting officer serves the notice of suspension upon the 15362
arrested person. Any subsequent finding that the person is not 15363

guilty of the charge that resulted in the person being requested 15364
to take the chemical test or tests under division (A) of this 15365
section does not affect the suspension. 15366

(2) If a person is arrested for operating a vehicle, 15367
streetcar, or trackless trolley in violation of division (A) or 15368
(B) of section 4511.19 of the Revised Code or a municipal OVI 15369
ordinance, or for being in physical control of a vehicle, 15370
streetcar, or trackless trolley in violation of section 4511.194 15371
of the Revised Code or a substantially equivalent municipal 15372
ordinance, regardless of whether the person's driver's or 15373
commercial driver's license or permit or nonresident operating 15374
privilege is or is not suspended under division (B) or (C) of this 15375
section or Chapter 4510. of the Revised Code, the person's initial 15376
appearance on the charge resulting from the arrest shall be held 15377
within five days of the person's arrest or the issuance of the 15378
citation to the person, subject to any continuance granted by the 15379
court pursuant to section 4511.197 of the Revised Code regarding 15380
the issues specified in that division. 15381

(E) When it finally has been determined under the procedures 15382
of this section and sections 4511.192 to 4511.197 of the Revised 15383
Code that a nonresident's privilege to operate a vehicle within 15384
this state has been suspended, the registrar shall give 15385
information in writing of the action taken to the motor vehicle 15386
administrator of the state of the person's residence and of any 15387
state in which the person has a license. 15388

(F) At the end of a suspension period under this section, 15389
under section 4511.194, section 4511.196, or division (G) of 15390
section 4511.19 of the Revised Code, or under section 4510.07 of 15391
the Revised Code for a violation of a municipal OVI ordinance and 15392
upon the request of the person whose driver's or commercial 15393
driver's license or permit was suspended and who is not otherwise 15394
subject to suspension, cancellation, or disqualification, the 15395

registrar shall return the driver's or commercial driver's license 15396
or permit to the person upon the occurrence of all of the 15397
conditions specified in divisions (F)(1) and (2) of this section: 15398

(1) A showing that the person has proof of financial 15399
responsibility, a policy of liability insurance in effect that 15400
meets the minimum standards set forth in section 4509.51 of the 15401
Revised Code, or proof, to the satisfaction of the registrar, that 15402
the person is able to respond in damages in an amount at least 15403
equal to the minimum amounts specified in section 4509.51 of the 15404
Revised Code. 15405

(2) Subject to the limitation contained in division (F)(3) of 15406
this section, payment by the person to the registrar or an 15407
eligible deputy registrar of a license reinstatement fee of four 15408
hundred seventy-five dollars, which fee shall be deposited in the 15409
state treasury and credited as follows: 15410

(a) One hundred twelve dollars and fifty cents shall be 15411
credited to the statewide treatment and prevention fund created by 15412
section 4301.30 of the Revised Code. Money credited to the fund 15413
under this section shall be used for purposes identified under 15414
section 5119.22 of the Revised Code. 15415

(b) Seventy-five dollars shall be credited to the reparations 15416
fund created by section 2743.191 of the Revised Code. 15417

(c) Thirty-seven dollars and fifty cents shall be credited to 15418
the indigent drivers alcohol treatment fund, which is hereby 15419
established in the state treasury. ~~Except as otherwise provided in~~ 15420
~~division (F)(2)(c) of this section, moneys in the fund shall be~~ 15421
~~distributed by the~~ The department of mental health and addiction 15422
services shall distribute the moneys in that fund to the county 15423
indigent drivers alcohol treatment funds, the county juvenile 15424
indigent drivers alcohol treatment funds, and the municipal 15425
indigent drivers alcohol treatment funds that are required to be 15426

established by counties and municipal corporations pursuant to 15427
division (H) of this section, ~~and shall to be used only to pay the~~ 15428
~~cost of an alcohol and drug addiction treatment program attended~~ 15429
~~by an offender or juvenile traffic offender who is ordered to~~ 15430
~~attend an alcohol and drug addiction treatment program by a~~ 15431
~~county, juvenile, or municipal court judge and who is determined~~ 15432
~~by the county, juvenile, or municipal court judge not to have the~~ 15433
~~means to pay for the person's attendance at the program or to pay~~ 15434
~~the costs specified in division (H)(4) of this section in~~ 15435
~~accordance with that division. In addition, a county, juvenile, or~~ 15436
~~municipal court judge may use moneys in the county indigent~~ 15437
~~drivers alcohol treatment fund, county juvenile indigent drivers~~ 15438
~~alcohol treatment fund, or municipal indigent drivers alcohol~~ 15439
~~treatment fund to pay for the cost of the continued use of an~~ 15440
~~alcohol monitoring device as described in divisions (H)(3) and (4)~~ 15441
~~of this section as provided in division (H)(3) of this section.~~ 15442
Moneys in the fund that are not distributed to a county indigent 15443
drivers alcohol treatment fund, a county juvenile indigent drivers 15444
alcohol treatment fund, or a municipal indigent drivers alcohol 15445
treatment fund under division (H) of this section because the 15446
director of mental health and addiction services does not have the 15447
information necessary to identify the county or municipal 15448
corporation where the offender or juvenile offender was arrested 15449
may be transferred by the director of budget and management to the 15450
statewide treatment and prevention fund created by section 4301.30 15451
of the Revised Code, upon certification of the amount by the 15452
director of mental health and addiction services. 15453

(d) Seventy-five dollars shall be credited to the 15454
opportunities for Ohioans with disabilities agency established by 15455
section 3304.15 of the Revised Code, to the services for 15456
rehabilitation fund, which is hereby established. The fund shall 15457
be used to match available federal matching funds where 15458
appropriate, and for any other purpose or program of the agency to 15459

rehabilitate persons with disabilities to help them become 15460
employed and independent. 15461

(e) Seventy-five dollars shall be deposited into the state 15462
treasury and credited to the drug abuse resistance education 15463
programs fund, which is hereby established, to be used by the 15464
attorney general for the purposes specified in division (F)(4) of 15465
this section. 15466

(f) Thirty dollars shall be credited to the state bureau of 15467
motor vehicles fund created by section 4501.25 of the Revised 15468
Code. 15469

(g) Twenty dollars shall be credited to the trauma and 15470
emergency medical services fund created by section 4513.263 of the 15471
Revised Code. 15472

(h) Fifty dollars shall be credited to the indigent drivers 15473
interlock and alcohol monitoring fund, which is hereby established 15474
in the state treasury. Moneys in the fund shall be distributed by 15475
the department of public safety to the county indigent drivers 15476
interlock and alcohol monitoring funds, the county juvenile 15477
indigent drivers interlock and alcohol monitoring funds, and the 15478
municipal indigent drivers interlock and alcohol monitoring funds 15479
that are required to be established by counties and municipal 15480
corporations pursuant to this section, and shall be used only to 15481
pay the cost of an immobilizing or disabling device, including a 15482
certified ignition interlock device, or an alcohol monitoring 15483
device used by an offender or juvenile offender who is ordered to 15484
use the device by a county, juvenile, or municipal court judge and 15485
who is determined by the county, juvenile, or municipal court 15486
judge not to have the means to pay for the person's use of the 15487
device. 15488

(3) If a person's driver's or commercial driver's license or 15489
permit is suspended under this section, under section 4511.196 or 15490

division (G) of section 4511.19 of the Revised Code, under section 15491
4510.07 of the Revised Code for a violation of a municipal OVI 15492
ordinance or under any combination of the suspensions described in 15493
division (F)(3) of this section, and if the suspensions arise from 15494
a single incident or a single set of facts and circumstances, the 15495
person is liable for payment of, and shall be required to pay to 15496
the registrar or an eligible deputy registrar, only one 15497
reinstatement fee of four hundred seventy-five dollars. The 15498
reinstatement fee shall be distributed by the bureau in accordance 15499
with division (F)(2) of this section. 15500

(4) The attorney general shall use amounts in the drug abuse 15501
resistance education programs fund to award grants to law 15502
enforcement agencies to establish and implement drug abuse 15503
resistance education programs in public schools. Grants awarded to 15504
a law enforcement agency under this section shall be used by the 15505
agency to pay for not more than fifty per cent of the amount of 15506
the salaries of law enforcement officers who conduct drug abuse 15507
resistance education programs in public schools. The attorney 15508
general shall not use more than six per cent of the amounts the 15509
attorney general's office receives under division (F)(2)(e) of 15510
this section to pay the costs it incurs in administering the grant 15511
program established by division (F)(2)(e) of this section and in 15512
providing training and materials relating to drug abuse resistance 15513
education programs. 15514

The attorney general shall report to the governor and the 15515
general assembly each fiscal year on the progress made in 15516
establishing and implementing drug abuse resistance education 15517
programs. These reports shall include an evaluation of the 15518
effectiveness of these programs. 15519

(5) In addition to the reinstatement fee under this section, 15520
if the person pays the reinstatement fee to a deputy registrar, 15521
the deputy registrar shall collect a service fee of ten dollars to 15522

compensate the deputy registrar for services performed under this 15523
section. The deputy registrar shall retain eight dollars of the 15524
service fee and shall transmit the reinstatement fee, plus two 15525
dollars of the service fee, to the registrar in the manner the 15526
registrar shall determine. 15527

(G) Suspension of a commercial driver's license under 15528
division (B) or (C) of this section shall be concurrent with any 15529
period of disqualification under section 3123.611 or 4506.16 of 15530
the Revised Code or any period of suspension under section 3123.58 15531
of the Revised Code. No person who is disqualified for life from 15532
holding a commercial driver's license under section 4506.16 of the 15533
Revised Code shall be issued a driver's license under Chapter 15534
4507. of the Revised Code during the period for which the 15535
commercial driver's license was suspended under division (B) or 15536
(C) of this section. No person whose commercial driver's license 15537
is suspended under division (B) or (C) of this section shall be 15538
issued a driver's license under Chapter 4507. of the Revised Code 15539
during the period of the suspension. 15540

(H)(1) Each county shall establish an indigent drivers 15541
alcohol treatment fund, ~~each county shall establish and~~ a juvenile 15542
indigent drivers alcohol treatment fund, ~~and each.~~ Each municipal 15543
corporation in which there is a municipal court shall establish an 15544
indigent drivers alcohol treatment fund. ~~All revenue that the~~ 15545
~~general assembly appropriates to the indigent drivers alcohol~~ 15546
~~treatment fund for transfer to a county indigent drivers alcohol~~ 15547
~~treatment fund, a county juvenile indigent drivers alcohol~~ 15548
~~treatment fund, or a municipal indigent drivers alcohol treatment~~ 15549
~~fund, all portions of fees that are paid under division (F) of~~ 15550
~~this section and that are credited under that division to the~~ 15551
~~indigent drivers alcohol treatment fund in the state treasury for~~ 15552
~~a county indigent drivers alcohol treatment fund, a county~~ 15553
~~juvenile indigent drivers alcohol treatment fund, or a municipal~~ 15554

~~indigent drivers alcohol treatment fund, all portions of 15555
additional costs imposed under section 2949.094 of the Revised 15556
Code that are specified for deposit into a county, county 15557
juvenile, or municipal indigent drivers alcohol treatment fund by 15558
that section, and all portions of fines that are specified for 15559
deposit into a county or municipal indigent drivers alcohol 15560
treatment fund by section 4511.193 of the Revised Code shall be 15561
deposited into that county indigent drivers alcohol treatment 15562
fund, county juvenile indigent drivers alcohol treatment fund, or 15563
municipal indigent drivers alcohol treatment fund. The portions of 15564
the fees paid under division (F) of this section that are to be so 15565
deposited shall be determined in accordance with division (H)(2) 15566
of this section. Additionally, all portions of fines that are paid 15567
for a violation of section 4511.19 of the Revised Code or of any 15568
prohibition contained in Chapter 4510. of the Revised Code, and 15569
that are required under section 4511.19 or any provision of 15570
Chapter 4510. of the Revised Code to be deposited into a county 15571
indigent drivers alcohol treatment fund or municipal indigent 15572
drivers alcohol treatment fund shall be deposited into the 15573
appropriate fund in accordance with the applicable division of the 15574
section or provision. 15575~~

The treasurer of state or other appropriate official, as 15576
applicable, shall transfer the following into each county indigent 15577
drivers alcohol treatment fund, county juvenile indigent drivers 15578
alcohol treatment fund, or municipal indigent drivers alcohol 15579
treatment fund, as applicable: 15580

(a) All revenue the general assembly appropriates to the 15581
indigent drivers alcohol treatment fund for transfer into such a 15582
fund; 15583

(b) All portions of fees paid under division (F) of this 15584
section that, in accordance with division (H)(2) of this section, 15585
are credited to the indigent drivers alcohol treatment fund for 15586

<u>deposit into such a fund;</u>	15587
<u>(c) All portions of additional costs imposed under section</u>	15588
<u>2949.094 of the Revised Code that are required to be deposited</u>	15589
<u>into such a fund;</u>	15590
<u>(d) All portions of fines that are required to be deposited</u>	15591
<u>into such a fund under section 4511.193 of the Revised Code;</u>	15592
<u>(e) All portions of fines paid under section 4511.19 of the</u>	15593
<u>Revised Code or Chapter 4510. of the Revised Code that are</u>	15594
<u>required to be paid into such a fund.</u>	15595
(2) That portion of the license reinstatement fee that is	15596
paid under division (F) of this section and that is credited under	15597
that division to the indigent drivers alcohol treatment fund shall	15598
be deposited into a county indigent drivers alcohol treatment	15599
fund, a county juvenile indigent drivers alcohol treatment fund,	15600
or a municipal indigent drivers alcohol treatment fund as follows:	15601
(a) Regarding a suspension imposed under this section, that	15602
portion of the fee shall be deposited as follows:	15603
(i) If the fee is paid by a person who was charged in a	15604
county court with the violation that resulted in the suspension or	15605
in the imposition of the court costs, the portion shall be	15606
deposited into the county indigent drivers alcohol treatment fund	15607
under the control of that court;	15608
(ii) If the fee is paid by a person who was charged in a	15609
juvenile court with the violation that resulted in the suspension	15610
or in the imposition of the court costs, the portion shall be	15611
deposited into the county juvenile indigent drivers alcohol	15612
treatment fund established in the county served by the court;	15613
(iii) If the fee is paid by a person who was charged in a	15614
municipal court with the violation that resulted in the suspension	15615
or in the imposition of the court costs, the portion shall be	15616

deposited into the municipal indigent drivers alcohol treatment 15617
fund under the control of that court. 15618

(b) Regarding a suspension imposed under section 4511.19 of 15619
the Revised Code or under section 4510.07 of the Revised Code for 15620
a violation of a municipal OVI ordinance, that portion of the fee 15621
shall be deposited as follows: 15622

(i) If the fee is paid by a person whose license or permit 15623
was suspended by a county court, the portion shall be deposited 15624
into the county indigent drivers alcohol treatment fund under the 15625
control of that court; 15626

(ii) If the fee is paid by a person whose license or permit 15627
was suspended by a municipal court, the portion shall be deposited 15628
into the municipal indigent drivers alcohol treatment fund under 15629
the control of that court. 15630

(3) ~~Expenditures~~ (a) As used in division (H)(3) of this 15631
section, "indigent person" means a person who is convicted of a 15632
violation of division (A) of section 4511.19 of the Revised Code 15633
or a substantially similar municipal ordinance or found to be a 15634
juvenile traffic offender by reason of a violation of division (B) 15635
of section 4511.19 of the Revised Code or a substantially similar 15636
municipal ordinance, who is ordered by the court to attend an 15637
alcohol and drug addiction treatment program, and who is 15638
determined by the court under division (H)(5) of this section to 15639
be unable to pay the cost of the assessment or the cost of 15640
attendance at the treatment program. 15641

(b) A county, juvenile, or municipal court judge, by order, 15642
may make expenditures from a county indigent drivers alcohol 15643
treatment fund, a county juvenile indigent drivers alcohol 15644
treatment fund, or a municipal indigent drivers alcohol treatment 15645
fund ~~shall be made only upon the order of a county, juvenile, or~~ 15646
~~municipal court judge and only for payment of the cost of an~~ 15647

~~assessment or the cost of the attendance at an alcohol and drug 15648
addiction treatment program of a with respect to an indigent 15649
person who is convicted of, or found to be a juvenile traffic 15650
offender by reason of, a violation of division (A) of section 15651
4511.19 of the Revised Code or a substantially similar municipal 15652
ordinance, who is ordered by the court to attend the alcohol and 15653
drug addiction treatment program, and who is determined by the 15654
court to be unable to pay the cost of the assessment or the cost 15655
of attendance at the treatment program or for payment of the costs 15656
specified in division (H)(4) of this section in accordance with 15657
that division. The for any of the following: 15658~~

(i) To pay the cost of an assessment that is conducted by an 15659
appropriately licensed clinician at either a driver intervention 15660
program that is certified under section 5119.38 of the Revised 15661
Code or at a community addiction services provider that is 15662
certified under section 5119.36 of the Revised Code; 15663

(ii) To pay the cost of alcohol addiction services, drug 15664
addiction services, or integrated alcohol and drug addiction 15665
services at a community addiction services provider that is 15666
certified under section 5119.36 of the Revised Code; 15667

(iii) To pay the cost of transportation to attend an 15668
assessment as provided under division (H)(3)(b)(i) of this section 15669
or addiction services as provided under division (H)(3)(b)(ii) of 15670
this section. 15671

The alcohol and drug addiction services board or the board of 15672
alcohol, drug addiction, and mental health services established 15673
pursuant to section 340.02 or 340.021 of the Revised Code and 15674
serving the alcohol, drug addiction, and mental health service 15675
district in which the court is located shall administer the 15676
indigent drivers alcohol treatment program of the court. When a 15677
court orders an offender or juvenile traffic offender to obtain an 15678
assessment or attend an alcohol and drug addiction treatment 15679

program, the board shall determine which program is suitable to 15680
meet the needs of the offender or juvenile traffic offender, and 15681
when a suitable program is located and space is available at the 15682
program, the offender or juvenile traffic offender shall attend 15683
the program designated by the board. A reasonable amount not to 15684
exceed five per cent of the amounts credited to and deposited into 15685
the county indigent drivers alcohol treatment fund, the county 15686
juvenile indigent drivers alcohol treatment fund, or the municipal 15687
indigent drivers alcohol treatment fund serving every court whose 15688
program is administered by that board shall be paid to the board 15689
to cover the costs it incurs in administering those indigent 15690
drivers alcohol treatment programs. 15691

~~In addition, upon~~ (c) Upon exhaustion of moneys in the 15692
indigent drivers interlock and alcohol monitoring fund for the use 15693
of an alcohol monitoring device, a county, juvenile, or municipal 15694
court judge may use moneys in the county indigent drivers alcohol 15695
treatment fund, county juvenile indigent drivers alcohol treatment 15696
fund, or municipal indigent drivers alcohol treatment fund in 15697
either of the following manners: 15698

~~(a)~~(i) If the source of the moneys was an appropriation of 15699
the general assembly, a portion of a fee that was paid under 15700
division (F) of this section, a portion of a fine that was 15701
specified for deposit into the fund by section 4511.193 of the 15702
Revised Code, or a portion of a fine that was paid for a violation 15703
of section 4511.19 of the Revised Code or of a provision contained 15704
in Chapter 4510. of the Revised Code that was required to be 15705
deposited into the fund, to pay for the continued use of an 15706
alcohol monitoring device by an offender or juvenile traffic 15707
offender, in conjunction with a treatment program approved by the 15708
department of mental health and addiction services, when such use 15709
is determined clinically necessary by the treatment program and 15710
when the court determines that the offender or juvenile traffic 15711

offender is unable to pay all or part of the daily monitoring or 15712
cost of the device; 15713

~~(b)~~(ii) If the source of the moneys was a portion of an 15714
additional court cost imposed under section 2949.094 of the 15715
Revised Code, to pay for the continued use of an alcohol 15716
monitoring device by an offender or juvenile traffic offender when 15717
the court determines that the offender or juvenile traffic 15718
offender is unable to pay all or part of the daily monitoring or 15719
cost of the device. The moneys may be used for a device as 15720
described in this division if the use of the device is in 15721
conjunction with a treatment program approved by the department of 15722
mental health and addiction services, when the use of the device 15723
is determined clinically necessary by the treatment program, but 15724
the use of a device is not required to be in conjunction with a 15725
treatment program approved by the department in order for the 15726
moneys to be used for the device as described in this division. 15727

(4) If a county, juvenile, or municipal court determines, in 15728
consultation with the alcohol and drug addiction services board or 15729
the board of alcohol, drug addiction, and mental health services 15730
established pursuant to section 340.02 or 340.021 of the Revised 15731
Code and serving the alcohol, drug addiction, and mental health 15732
district in which the court is located, that the funds in the 15733
county indigent drivers alcohol treatment fund, the county 15734
juvenile indigent drivers alcohol treatment fund, or the municipal 15735
indigent drivers alcohol treatment fund under the control of the 15736
court are more than sufficient to satisfy the purpose for which 15737
the fund was established, as specified in divisions (H)(1) to (3) 15738
of this section, the court may declare a surplus in the fund. If 15739
the court declares a surplus in the fund, the court may ~~expend~~ 15740
take any of the following actions with regard to the amount of the 15741
surplus in the fund ~~for~~: 15742

(a) ~~Alcohol~~ Expend any of the surplus amount for alcohol and 15743

drug abuse assessment and treatment, and for the cost of 15744
transportation related to assessment and treatment, of persons who 15745
are charged in the court with committing a criminal offense or 15746
with being a delinquent child or juvenile traffic offender and in 15747
relation to whom both of the following apply: 15748

(i) The court determines that substance abuse was a 15749
contributing factor leading to the criminal or delinquent activity 15750
or the juvenile traffic offense with which the person is charged. 15751

(ii) The court determines that the person is unable to pay 15752
the cost of the alcohol and drug abuse assessment and treatment 15753
for which the surplus money will be used. 15754

(b) ~~All~~ Expend any of the surplus amount to pay all or part 15755
of the cost of purchasing alcohol monitoring devices to be used in 15756
conjunction with division (H)(3)(~~c~~) of this section, upon 15757
exhaustion of moneys in the indigent drivers interlock and alcohol 15758
monitoring fund for the use of an alcohol monitoring device. 15759

(c) Transfer to another court in the same county any of the 15760
surplus amount to be utilized in a manner consistent with division 15761
(H)(3) of this section. If surplus funds are transferred to 15762
another court, the court that transfers the funds shall notify the 15763
alcohol and drug addiction services board or the board of alcohol, 15764
drug addiction, and mental health services that serves the 15765
alcohol, drug addiction, and mental health service district in 15766
which that court is located. 15767

(d) Transfer to the alcohol and drug addiction services board 15768
or the board of alcohol, drug addiction, and mental health 15769
services that serves the alcohol, drug addiction, and mental 15770
health service district in which the court is located any of the 15771
surplus amount to be utilized in a manner consistent with division 15772
(H)(3) of this section or for board contracted recovery support 15773
services. 15774

(5) ~~For the purpose of determining as described in division (F)(2)(c) of this section whether~~ In order to determine if an offender does not have the means to pay for the offender's attendance at an alcohol and drug addiction treatment program for purposes of division (H)(3) of this section or ~~whether if~~ an alleged offender or delinquent child is unable to pay the costs specified in division (H)(4) of this section, the court shall use the indigent client eligibility guidelines and the standards of indigency established by the state public defender to make the determination.

(6) The court shall identify and refer any community addiction services provider that is not certified under section 5119.36 of the Revised Code and that is interested in receiving amounts from the surplus in the fund declared under division (H)(4) of this section to the department of mental health and addiction services in order for the services provider to become a certified community addiction services provider. The department shall keep a record of applicant referrals received pursuant to this division and shall submit a report on the referrals each year to the general assembly. If a services provider interested in becoming certified makes an application to become certified pursuant to section 5119.36 of the Revised Code, the services provider is eligible to receive surplus funds as long as the application is pending with the department. The department of mental health and addiction services must offer technical assistance to the applicant. If the interested services provider withdraws the certification application, the department must notify the court, and the court shall not provide the interested services provider with any further surplus funds.

(7)(a) Each alcohol and drug addiction services board and board of alcohol, drug addiction, and mental health services established pursuant to section 340.02 or 340.021 of the Revised

Code shall submit to the department of mental health and addiction 15807
services an annual report for each indigent drivers alcohol 15808
treatment fund in that board's area. 15809

(b) The report, which shall be submitted not later than sixty 15810
days after the end of the state fiscal year, shall provide the 15811
total payment that was made from the fund, including the number of 15812
indigent consumers that received treatment services and the number 15813
of indigent consumers that received an alcohol monitoring device. 15814
The report shall identify the treatment program and expenditure 15815
for an alcohol monitoring device for which that payment was made. 15816
The report shall include the fiscal year balance of each indigent 15817
drivers alcohol treatment fund located in that board's area. In 15818
the event that a surplus is declared in the fund pursuant to 15819
division (H)(4) of this section, the report also shall provide the 15820
total payment that was made from the surplus moneys and identify 15821
the ~~treatment program and expenditure for an alcohol monitoring~~ 15822
~~device~~ authorized purpose for which that payment was made. 15823

(c) If a board is unable to obtain adequate information to 15824
develop the report to submit to the department for a particular 15825
indigent drivers alcohol treatment fund, the board shall submit a 15826
report detailing the effort made in obtaining the information. 15827

(I)(1) Each county shall establish an indigent drivers 15828
interlock and alcohol monitoring fund and a juvenile indigent 15829
drivers interlock and alcohol treatment fund, ~~and each.~~ Each 15830
municipal corporation in which there is a municipal court shall 15831
establish an indigent drivers interlock and alcohol monitoring 15832
fund. ~~All revenue that the general assembly appropriates to the~~ 15833
~~indigent drivers interlock and alcohol monitoring fund for~~ 15834
~~transfer to a county indigent drivers interlock and alcohol~~ 15835
~~monitoring fund, a county juvenile indigent drivers interlock and~~ 15836
~~alcohol monitoring fund, or a municipal indigent drivers interlock~~ 15837
~~and alcohol monitoring fund, all portions of license reinstatement~~ 15838

~~fees that are paid under division (F)(2) of this section and that 15839
are credited under that division to the indigent drivers interlock 15840
and alcohol monitoring fund in the state treasury, and all 15841
portions of fines that are paid under division (G) of section 15842
4511.19 of the Revised Code and that are credited by division 15843
(G)(5)(e) of that section to the indigent drivers interlock and 15844
alcohol monitoring fund in the state treasury shall be deposited 15845
in the appropriate fund in accordance with division (I)(2) of this 15846
section. 15847~~

The treasurer of state shall transfer the following into each 15848
county indigent drivers interlock and alcohol monitoring fund, 15849
county juvenile indigent drivers interlock and alcohol monitoring 15850
fund, or municipal indigent drivers interlock and alcohol 15851
monitoring fund, as applicable: 15852

(a) All revenue the general assembly appropriates to the 15853
indigent drivers interlock and alcohol monitoring fund for 15854
transfer into such a fund; 15855

(b) All portions of license reinstatement fees paid under 15856
division (F)(2) of this section that, in accordance with division 15857
(I)(2) of this section, are credited to the indigent drivers 15858
interlock and alcohol monitoring fund for deposit into a such 15859
fund; 15860

(c) All portions of fines that are paid under division (G) of 15861
section 4511.19 of the Revised Code and are credited by division 15862
(G)(5)(e) of that section to the indigent drivers interlock and 15863
alcohol monitoring fund for deposit into such a fund in accordance 15864
with division (I)(2) of this section. 15865

(2) That portion of the license reinstatement fee that is 15866
paid under division (F) of this section and that portion of the 15867
fine paid under division (G) of section 4511.19 of the Revised 15868
Code and that is credited under either division to the indigent 15869

drivers interlock and alcohol monitoring fund shall be deposited 15870
into a county indigent drivers interlock and alcohol monitoring 15871
fund, a county juvenile indigent drivers interlock and alcohol 15872
monitoring fund, or a municipal indigent drivers interlock and 15873
alcohol monitoring fund as follows: 15874

(a) If the fee or fine is paid by a person who was charged in 15875
a county court with the violation that resulted in the suspension 15876
or fine, the portion shall be deposited into the county indigent 15877
drivers interlock and alcohol monitoring fund under the control of 15878
that court. 15879

(b) If the fee or fine is paid by a person who was charged in 15880
a juvenile court with the violation that resulted in the 15881
suspension or fine, the portion shall be deposited into the county 15882
juvenile indigent drivers interlock and alcohol monitoring fund 15883
established in the county served by the court. 15884

(c) If the fee or fine is paid by a person who was charged in 15885
a municipal court with the violation that resulted in the 15886
suspension, the portion shall be deposited into the municipal 15887
indigent drivers interlock and alcohol monitoring fund under the 15888
control of that court. 15889

(3) If a county, juvenile, or municipal court determines that 15890
the funds in the county indigent drivers interlock and alcohol 15891
monitoring fund, the county juvenile indigent drivers interlock 15892
and alcohol monitoring fund, or the municipal indigent drivers 15893
interlock and alcohol monitoring fund under the control of that 15894
court are more than sufficient to satisfy the purpose for which 15895
the fund was established as specified in division (F)(2)(h) of 15896
this section, the court may declare a surplus in the fund. The 15897
court then may order the transfer of a specified amount into the 15898
county indigent drivers alcohol treatment fund, the county 15899
juvenile indigent drivers alcohol treatment fund, or the municipal 15900
indigent drivers alcohol treatment fund under the control of that 15901

court to be utilized in accordance with division (H) of this 15902
section. 15903

Sec. 4715.14. (A)(1) Each person who is licensed to practice 15904
dentistry in Ohio shall, on or before the first day of January of 15905
each even-numbered year, register with the state dental board. The 15906
registration shall be made on a form prescribed by the board and 15907
furnished by the secretary, shall include the licensee's name, 15908
address, license number, and such other reasonable information as 15909
the board may consider necessary, and shall include payment of a 15910
biennial registration fee of two hundred forty-five dollars. 15911
Except as provided in division (E) of this section, this fee shall 15912
be paid to the treasurer of state. Subject to division (C) of this 15913
section, a registration shall be in effect for the two-year period 15914
beginning on the first day of January of the even-numbered year 15915
and ending on the last day of December of the following 15916
odd-numbered year, and shall be renewed in accordance with the 15917
standard renewal procedure of sections 4745.01 to 4745.03 of the 15918
Revised Code. 15919

(2)(a) Except as provided in division (A)(2)(b) of this 15920
section, in the case of a licensee seeking registration who 15921
prescribes or personally furnishes opioid analgesics or 15922
benzodiazepines, the licensee shall certify to the board whether 15923
the licensee has been granted access to the drug database 15924
established and maintained by the state board of pharmacy pursuant 15925
to section 4729.75 of the Revised Code. 15926

(b) The requirement in division (A)(2)(a) of this section 15927
does not apply if either of the following is the case: 15928

(i) The state board of pharmacy notifies the state dental 15929
board pursuant to section 4729.861 of the Revised Code that the 15930
licensee has been restricted from obtaining further information 15931
from the drug database. 15932

(ii) The state board of pharmacy no longer maintains the drug database. 15933
15934

(3) If a licensee certifies to the state dental board that the licensee has been granted access to the drug database and the board finds through an audit or other means that the licensee has not been granted access, the board may take action under section 4715.30 of the Revised Code. 15935
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(B) A licensed dentist who desires to temporarily retire from practice and who has given the board notice in writing to that effect shall be granted such a retirement, provided only that at that time all previous registration fees and additional costs of reinstatement have been paid. 15940
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(C) Not later than the thirty-first day of January of an even-numbered year, the board shall send a notice by certified mail to a dentist who fails to renew a license in accordance with division (A) of this section. The notice shall state all of the following: 15945
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15947
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(1) That the board has not received the registration form and fee described in that division; 15950
15951

(2) That the license shall remain valid and in good standing until the first day of April following the last day of December of the odd-numbered year in which the dentist was scheduled to renew if the dentist remains in compliance with all other applicable provisions of this chapter and any rule adopted under it; 15952
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(3) That the license may be renewed until the first day of April following the last day of December of the odd-numbered year in which the dentist was scheduled to renew by the payment of the biennial registration fee and an additional fee of one hundred dollars to cover the cost of late renewal; 15957
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15961

(4) That unless the board receives the registration form and fee before the first day of April following the last day of 15962
15963

December of the odd-numbered year in which the dentist was 15964
scheduled to renew, the board may, on or after the relevant first 15965
day of April, initiate disciplinary action against the dentist 15966
pursuant to Chapter 119. of the Revised Code; 15967

(5) That a dentist whose license has been suspended as a 15968
result of disciplinary action initiated pursuant to division 15969
(C)(4) of this section may be reinstated by the payment of the 15970
biennial registration fee and an additional fee of three hundred 15971
dollars to cover the cost of reinstatement. 15972

(D) Each dentist licensed to practice, whether a resident or 15973
not, shall notify the secretary in writing or electronically of 15974
any change in the dentist's office address or employment within 15975
ten days after such change has taken place. On the first day of 15976
July of every even-numbered year, the secretary shall issue a 15977
printed roster of the names and addresses so registered. 15978

(E) Twenty dollars of each biennial registration fee shall be 15979
paid to the dentist loan repayment fund created under section 15980
3702.95 of the Revised Code. 15981

Sec. 4715.15. When a dentist orders a test for the presence 15982
of Lyme disease in a patient, the dentist or dentist's delegate 15983
shall provide to the patient or patient's representative a written 15984
notice with the following information: 15985

"Your health care provider has ordered a test for the 15986
presence of Lyme disease. Current testing for Lyme disease can be 15987
problematic and may lead to false results. If you are tested for 15988
Lyme disease and the results are positive, this does not 15989
necessarily mean that you have contracted Lyme disease. In the 15990
alternative, if the results are negative, this does not 15991
necessarily mean that you have not contracted Lyme disease. If you 15992
continue to experience symptoms or have other health concerns, you 15993
should contact your health care provider and inquire about the 15994

appropriateness of additional testing or treatment." 15995

The dentist or dentist's delegate shall obtain a signature 15996
from the patient or patient's representative indicating receipt of 15997
the notice. The document containing the signature shall be kept in 15998
the patient's record. 15999

Sec. 4715.30. (A) An applicant for or holder of a certificate 16000
or license issued under this chapter is subject to disciplinary 16001
action by the state dental board for any of the following reasons: 16002

(1) Employing or cooperating in fraud or material deception 16004
in applying for or obtaining a license or certificate; 16005

(2) Obtaining or attempting to obtain money or anything of 16006
value by intentional misrepresentation or material deception in 16007
the course of practice; 16008

(3) Advertising services in a false or misleading manner or 16009
violating the board's rules governing time, place, and manner of 16010
advertising; 16011

(4) Commission of an act that constitutes a felony in this 16012
state, regardless of the jurisdiction in which the act was 16013
committed; 16014

(5) Commission of an act in the course of practice that 16015
constitutes a misdemeanor in this state, regardless of the 16016
jurisdiction in which the act was committed; 16017

(6) Conviction of, a plea of guilty to, a judicial finding of 16018
guilt of, a judicial finding of guilt resulting from a plea of no 16019
contest to, or a judicial finding of eligibility for intervention 16020
in lieu of conviction for, any felony or of a misdemeanor 16021
committed in the course of practice; 16022

(7) Engaging in lewd or immoral conduct in connection with 16023
the provision of dental services; 16024

(8) Selling, prescribing, giving away, or administering drugs 16025
for other than legal and legitimate therapeutic purposes, or 16026
conviction of, a plea of guilty to, a judicial finding of guilt 16027
of, a judicial finding of guilt resulting from a plea of no 16028
contest to, or a judicial finding of eligibility for intervention 16029
in lieu of conviction for, a violation of any federal or state law 16030
regulating the possession, distribution, or use of any drug; 16031

(9) Providing or allowing dental hygienists, expanded 16032
function dental auxiliaries, or other practitioners of auxiliary 16033
dental occupations working under the certificate or license 16034
holder's supervision, or a dentist holding a temporary limited 16035
continuing education license under division (C) of section 4715.16 16036
of the Revised Code working under the certificate or license 16037
holder's direct supervision, to provide dental care that departs 16038
from or fails to conform to accepted standards for the profession, 16039
whether or not injury to a patient results; 16040

(10) Inability to practice under accepted standards of the 16041
profession because of physical or mental disability, dependence on 16042
alcohol or other drugs, or excessive use of alcohol or other 16043
drugs; 16044

(11) Violation of any provision of this chapter or any rule 16045
adopted thereunder; 16046

(12) Failure to use universal blood and body fluid 16047
precautions established by rules adopted under section 4715.03 of 16048
the Revised Code; 16049

(13) Except as provided in division (H) of this section, 16050
either of the following: 16051

(a) Waiving the payment of all or any part of a deductible or 16052
copayment that a patient, pursuant to a health insurance or health 16053
care policy, contract, or plan that covers dental services, would 16054
otherwise be required to pay if the waiver is used as an 16055

enticement to a patient or group of patients to receive health 16056
care services from that certificate or license holder; 16057

(b) Advertising that the certificate or license holder will 16058
waive the payment of all or any part of a deductible or copayment 16059
that a patient, pursuant to a health insurance or health care 16060
policy, contract, or plan that covers dental services, would 16061
otherwise be required to pay. 16062

(14) Failure to comply with section 4715.302 or 4729.79 of 16063
the Revised Code, unless the state board of pharmacy no longer 16064
maintains a drug database pursuant to section 4729.75 of the 16065
Revised Code; 16066

(15) Any of the following actions taken by an agency 16067
responsible for authorizing, certifying, or regulating an 16068
individual to practice a health care occupation or provide health 16069
care services in this state or another jurisdiction, for any 16070
reason other than the nonpayment of fees: the limitation, 16071
revocation, or suspension of an individual's license to practice; 16072
acceptance of an individual's license surrender; denial of a 16073
license; refusal to renew or reinstate a license; imposition of 16074
probation; or issuance of an order of censure or other reprimand; 16075

(16) Failure to cooperate in an investigation conducted by 16076
the board under division (D) of section 4715.03 of the Revised 16077
Code, including failure to comply with a subpoena or order issued 16078
by the board or failure to answer truthfully a question presented 16079
by the board at a deposition or in written interrogatories, except 16080
that failure to cooperate with an investigation shall not 16081
constitute grounds for discipline under this section if a court of 16082
competent jurisdiction has issued an order that either quashes a 16083
subpoena or permits the individual to withhold the testimony or 16084
evidence in issue. 16085

(B) A manager, proprietor, operator, or conductor of a dental 16086

facility shall be subject to disciplinary action if any dentist, 16087
dental hygienist, expanded function dental auxiliary, or qualified 16088
personnel providing services in the facility is found to have 16089
committed a violation listed in division (A) of this section and 16090
the manager, proprietor, operator, or conductor knew of the 16091
violation and permitted it to occur on a recurring basis. 16092

(C) Subject to Chapter 119. of the Revised Code, the board 16093
may take one or more of the following disciplinary actions if one 16094
or more of the grounds for discipline listed in divisions (A) and 16095
(B) of this section exist: 16096

(1) Censure the license or certificate holder; 16097

(2) Place the license or certificate on probationary status 16098
for such period of time the board determines necessary and require 16099
the holder to: 16100

(a) Report regularly to the board upon the matters which are 16101
the basis of probation; 16102

(b) Limit practice to those areas specified by the board; 16103

(c) Continue or renew professional education until a 16104
satisfactory degree of knowledge or clinical competency has been 16105
attained in specified areas. 16106

(3) Suspend the certificate or license; 16107

(4) Revoke the certificate or license. 16108

Where the board places a holder of a license or certificate 16109
on probationary status pursuant to division (C)(2) of this 16110
section, the board may subsequently suspend or revoke the license 16111
or certificate if it determines that the holder has not met the 16112
requirements of the probation or continues to engage in activities 16113
that constitute grounds for discipline pursuant to division (A) or 16114
(B) of this section. 16115

Any order suspending a license or certificate shall state the 16116

conditions under which the license or certificate will be 16117
restored, which may include a conditional restoration during which 16118
time the holder is in a probationary status pursuant to division 16119
(C)(2) of this section. The board shall restore the license or 16120
certificate unconditionally when such conditions are met. 16121

(D) If the physical or mental condition of an applicant or a 16122
license or certificate holder is at issue in a disciplinary 16123
proceeding, the board may order the license or certificate holder 16124
to submit to reasonable examinations by an individual designated 16125
or approved by the board and at the board's expense. The physical 16126
examination may be conducted by any individual authorized by the 16127
Revised Code to do so, including a physician assistant, a clinical 16128
nurse specialist, a certified nurse practitioner, or a certified 16129
nurse-midwife. Any written documentation of the physical 16130
examination shall be completed by the individual who conducted the 16131
examination. 16132

Failure to comply with an order for an examination shall be 16133
grounds for refusal of a license or certificate or summary 16134
suspension of a license or certificate under division (E) of this 16135
section. 16136

(E) If a license or certificate holder has failed to comply 16137
with an order under division (D) of this section, the board may 16138
apply to the court of common pleas of the county in which the 16139
holder resides for an order temporarily suspending the holder's 16140
license or certificate, without a prior hearing being afforded by 16141
the board, until the board conducts an adjudication hearing 16142
pursuant to Chapter 119. of the Revised Code. If the court 16143
temporarily suspends a holder's license or certificate, the board 16144
shall give written notice of the suspension personally or by 16145
certified mail to the license or certificate holder. Such notice 16146
shall inform the license or certificate holder of the right to a 16147
hearing pursuant to Chapter 119. of the Revised Code. 16148

(F) Any holder of a certificate or license issued under this chapter who has pleaded guilty to, has been convicted of, or has had a judicial finding of eligibility for intervention in lieu of conviction entered against the holder in this state for aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary, or who has pleaded guilty to, has been convicted of, or has had a judicial finding of eligibility for treatment or intervention in lieu of conviction entered against the holder in another jurisdiction for any substantially equivalent criminal offense, is automatically suspended from practice under this chapter in this state and any certificate or license issued to the holder under this chapter is automatically suspended, as of the date of the guilty plea, conviction, or judicial finding, whether the proceedings are brought in this state or another jurisdiction. Continued practice by an individual after the suspension of the individual's certificate or license under this division shall be considered practicing without a certificate or license. The board shall notify the suspended individual of the suspension of the individual's certificate or license under this division by certified mail or in person in accordance with section 119.07 of the Revised Code. If an individual whose certificate or license is suspended under this division fails to make a timely request for an adjudicatory hearing, the board shall enter a final order revoking the individual's certificate or license.

(G) If the supervisory investigative panel determines both of the following, the panel may recommend that the board suspend an individual's certificate or license without a prior hearing:

(1) That there is clear and convincing evidence that an individual has violated division (A) of this section;

(2) That the individual's continued practice presents a

danger of immediate and serious harm to the public. 16181

Written allegations shall be prepared for consideration by 16182
the board. The board, upon review of those allegations and by an 16183
affirmative vote of not fewer than four dentist members of the 16184
board and seven of its members in total, excluding any member on 16185
the supervisory investigative panel, may suspend a certificate or 16186
license without a prior hearing. A telephone conference call may 16187
be utilized for reviewing the allegations and taking the vote on 16188
the summary suspension. 16189

The board shall issue a written order of suspension by 16190
certified mail or in person in accordance with section 119.07 of 16191
the Revised Code. The order shall not be subject to suspension by 16192
the court during pendency or any appeal filed under section 119.12 16193
of the Revised Code. If the individual subject to the summary 16194
suspension requests an adjudicatory hearing by the board, the date 16195
set for the hearing shall be within fifteen days, but not earlier 16196
than seven days, after the individual requests the hearing, unless 16197
otherwise agreed to by both the board and the individual. 16198

Any summary suspension imposed under this division shall 16199
remain in effect, unless reversed on appeal, until a final 16200
adjudicative order issued by the board pursuant to this section 16201
and Chapter 119. of the Revised Code becomes effective. The board 16202
shall issue its final adjudicative order within seventy-five days 16203
after completion of its hearing. A failure to issue the order 16204
within seventy-five days shall result in dissolution of the 16205
summary suspension order but shall not invalidate any subsequent, 16206
final adjudicative order. 16207

(H) Sanctions shall not be imposed under division (A)(13) of 16208
this section against any certificate or license holder who waives 16209
deductibles and copayments as follows: 16210

(1) In compliance with the health benefit plan that expressly 16211

allows such a practice. Waiver of the deductibles or copayments 16212
shall be made only with the full knowledge and consent of the plan 16213
purchaser, payer, and third-party administrator. Documentation of 16214
the consent shall be made available to the board upon request. 16215

(2) For professional services rendered to any other person 16216
who holds a certificate or license issued pursuant to this chapter 16217
to the extent allowed by this chapter and the rules of the board. 16218

(I) In no event shall the board consider or raise during a 16219
hearing required by Chapter 119. of the Revised Code the 16220
circumstances of, or the fact that the board has received, one or 16221
more complaints about a person unless the one or more complaints 16222
are the subject of the hearing or resulted in the board taking an 16223
action authorized by this section against the person on a prior 16224
occasion. 16225

(J) The board may share any information it receives pursuant 16226
to an investigation under division (D) of section 4715.03 of the 16227
Revised Code, including patient records and patient record 16228
information, with law enforcement agencies, other licensing 16229
boards, and other governmental agencies that are prosecuting, 16230
adjudicating, or investigating alleged violations of statutes or 16231
administrative rules. An agency or board that receives the 16232
information shall comply with the same requirements regarding 16233
confidentiality as those with which the state dental board must 16234
comply, notwithstanding any conflicting provision of the Revised 16235
Code or procedure of the agency or board that applies when it is 16236
dealing with other information in its possession. In a judicial 16237
proceeding, the information may be admitted into evidence only in 16238
accordance with the Rules of Evidence, but the court shall require 16239
that appropriate measures are taken to ensure that confidentiality 16240
is maintained with respect to any part of the information that 16241
contains names or other identifying information about patients or 16242
complainants whose confidentiality was protected by the state 16243

dental board when the information was in the board's possession. 16244
Measures to ensure confidentiality that may be taken by the court 16245
include sealing its records or deleting specific information from 16246
its records. 16247

Sec. 4715.302. (A) As used in this section, "drug database" 16248
means the database established and maintained by the state board 16249
of pharmacy pursuant to section 4729.75 of the Revised Code. 16250

(B) The Except as provided in divisions (C) and (E) of this 16251
section, a dentist shall comply with all of the following as 16252
conditions of prescribing a drug that is either an opioid 16253
analgesic or a benzodiazepine, or personally furnishing a complete 16254
or partial supply of such a drug, as part of a patient's course of 16255
treatment for a particular condition: 16256

(1) Before initially prescribing or furnishing the drug, the 16257
dentist or the dentist's delegate shall request from the drug 16258
database a report of information related to the patient that 16259
covers at least the twelve months immediately preceding the date 16260
of the request. If the dentist practices primarily in a county of 16261
this state that adjoins another state, the dentist or delegate 16262
also shall request a report of any information available in the 16263
drug database that pertains to prescriptions issued or drugs 16264
furnished to the patient in the state adjoining that county. 16265

(2) If the patient's course of treatment for the condition 16266
continues for more than ninety days after the initial report is 16267
requested, the dentist or delegate shall make periodic requests 16268
for reports of information from the drug database until the course 16269
of treatment has ended. The requests shall be made at intervals 16270
not exceeding ninety days, determined according to the date the 16271
initial request was made. The request shall be made in the same 16272
manner provided in division (B)(1) of this section for requesting 16273
the initial report of information from the drug database. 16274

(3) On receipt of a report under division (B)(1) or (2) of this section, the dentist shall assess the information in the report. The dentist shall document in the patient's record that the report was received and the information was assessed. 16275
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(C)(1) Division (B) of this section does not apply if a drug database report regarding the patient is not available. In this event, the dentist shall document in the patient's record the reason that the report is not available. 16279
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(2) Division (B) of this section does not apply if the drug is prescribed or personally furnished in an amount indicated for a period not to exceed seven days. 16283
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(D) With respect to prescribing or personally furnishing any drug that is not an opioid analgesic or a benzodiazepine but is included in the drug database pursuant to rules adopted under section 4729.84 of the Revised Code, the state dental board shall adopt rules in accordance with Chapter 119. of the Revised Code that establish standards and procedures to be followed by a dentist regarding the review of patient information available through the drug database under division (A)(5) of section 4729.80 of the Revised Code. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 16286
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~~(C)~~(E) This section and the rules adopted under it do not apply if the state board of pharmacy no longer maintains the drug database. 16296
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Sec. 4717.10. (A) The board of embalmers and funeral directors may recognize licenses issued to embalmers and funeral directors by other states, and upon presentation of such licenses, may issue to the holder an embalmer's or funeral director's license under this chapter. The board shall charge the same fee as prescribed in section 4717.07 of the Revised Code to issue or renew such an embalmer's or funeral director's license. Such 16299
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licenses shall be renewed biennially as provided in section 16306
4717.08 of the Revised Code. The board shall not issue a license 16307
to any person under division (A) of this section unless the 16308
applicant proves that the applicant, in the state in which the 16309
applicant is licensed, has complied with requirements 16310
substantially equal to those established in section 4717.05 of the 16311
Revised Code. 16312

(B) The board of embalmers and funeral directors may issue 16313
courtesy ~~cards~~ card permits. A courtesy ~~cardholder~~ card permit 16314
holder shall be authorized to undertake both the following acts in 16315
this state: 16316

(1) Prepare and complete those sections of a death 16317
certificate and other permits needed for disposition of deceased 16318
human remains in this state and sign and file such death 16319
certificates and permits; 16320

(2) Supervise and conduct funeral ceremonies ~~and~~, interments, 16321
and entombments in this state. 16322

(C) The board of embalmers and funeral directors may 16323
determine under what conditions a courtesy card permit may be 16324
issued to funeral directors in bordering states after taking into 16325
account whether and under what conditions and fees such border 16326
states issue similar courtesy ~~cards~~ card permits to funeral 16327
directors licensed in this state. A courtesy card permit holder 16328
shall comply with all applicable laws and rules of this state 16329
while engaged in any acts of funeral directing in this state. The 16330
board may revoke or suspend a courtesy card permit or subject a 16331
courtesy card permit holder to discipline in accordance with the 16332
laws, rules, and procedures applicable to funeral director 16333
licensees under this chapter. Applicants for courtesy ~~cards~~ card 16334
permits shall apply on forms prescribed by the board, pay a 16335
biennial fee set by the board for initial applications and 16336
renewals, and adhere to such other requirements imposed by the 16337

board on courtesy ~~cardholders~~ card permit holders. 16338

(D) No courtesy ~~cardholder~~ card permit holder shall be 16339
authorized to undertake any of the following activities in this 16340
state: 16341

(1) Arranging funerals or disposition services with members 16342
of the public in this state; 16343

(2) Be employed by or under contract to a funeral home 16344
licensed in this state to perform funeral services in this state; 16345

(3) Advertise funeral or disposition services in this state; 16346

(4) Enter into or execute funeral or disposition contracts in 16347
this state; 16348

(5) Prepare or embalm deceased human remains in this state; 16349

(6) Arrange for or carry out the disinterment of human 16350
remains in this state. 16351

(E) As used in this section, "courtesy card permit" means a 16352
special permit that may be issued to a funeral director licensed 16353
in a state that borders this state and who does not hold a funeral 16354
director's license under this chapter. 16355

Sec. 4723.28. (A) The board of nursing, by a vote of a 16356
quorum, may impose one or more of the following sanctions if it 16357
finds that a person committed fraud in passing an examination 16358
required to obtain a license, certificate of authority, or 16359
dialysis technician certificate issued by the board or to have 16360
committed fraud, misrepresentation, or deception in applying for 16361
or securing any nursing license, certificate of authority, or 16362
dialysis technician certificate issued by the board: deny, revoke, 16363
suspend, or place restrictions on any nursing license, certificate 16364
of authority, or dialysis technician certificate issued by the 16365
board; reprimand or otherwise discipline a holder of a nursing 16366
license, certificate of authority, or dialysis technician 16367

certificate; or impose a fine of not more than five hundred 16368
dollars per violation. 16369

(B) The board of nursing, by a vote of a quorum, may impose 16370
one or more of the following sanctions: deny, revoke, suspend, or 16371
place restrictions on any nursing license, certificate of 16372
authority, or dialysis technician certificate issued by the board; 16373
reprimand or otherwise discipline a holder of a nursing license, 16374
certificate of authority, or dialysis technician certificate; or 16375
impose a fine of not more than five hundred dollars per violation. 16376
The sanctions may be imposed for any of the following: 16377

(1) Denial, revocation, suspension, or restriction of 16378
authority to engage in a licensed profession or practice a health 16379
care occupation, including nursing or practice as a dialysis 16380
technician, for any reason other than a failure to renew, in Ohio 16381
or another state or jurisdiction; 16382

(2) Engaging in the practice of nursing or engaging in 16383
practice as a dialysis technician, having failed to renew a 16384
nursing license or dialysis technician certificate issued under 16385
this chapter, or while a nursing license or dialysis technician 16386
certificate is under suspension; 16387

(3) Conviction of, a plea of guilty to, a judicial finding of 16388
guilt of, a judicial finding of guilt resulting from a plea of no 16389
contest to, or a judicial finding of eligibility for a pretrial 16390
diversion or similar program or for intervention in lieu of 16391
conviction for, a misdemeanor committed in the course of practice; 16392

(4) Conviction of, a plea of guilty to, a judicial finding of 16393
guilt of, a judicial finding of guilt resulting from a plea of no 16394
contest to, or a judicial finding of eligibility for a pretrial 16395
diversion or similar program or for intervention in lieu of 16396
conviction for, any felony or of any crime involving gross 16397
immorality or moral turpitude; 16398

(5) Selling, giving away, or administering drugs or
therapeutic devices for other than legal and legitimate
therapeutic purposes; or conviction of, a plea of guilty to, a
judicial finding of guilt of, a judicial finding of guilt
resulting from a plea of no contest to, or a judicial finding of
eligibility for a pretrial diversion or similar program or for
intervention in lieu of conviction for, violating any municipal,
state, county, or federal drug law;

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(6) Conviction of, a plea of guilty to, a judicial finding of
guilt of, a judicial finding of guilt resulting from a plea of no
contest to, or a judicial finding of eligibility for a pretrial
diversion or similar program or for intervention in lieu of
conviction for, an act in another jurisdiction that would
constitute a felony or a crime of moral turpitude in Ohio;

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(7) Conviction of, a plea of guilty to, a judicial finding of
guilt of, a judicial finding of guilt resulting from a plea of no
contest to, or a judicial finding of eligibility for a pretrial
diversion or similar program or for intervention in lieu of
conviction for, an act in the course of practice in another
jurisdiction that would constitute a misdemeanor in Ohio;

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(8) Self-administering or otherwise taking into the body any
dangerous drug, as defined in section 4729.01 of the Revised Code,
in any way that is not in accordance with a legal, valid
prescription issued for that individual, or self-administering or
otherwise taking into the body any drug that is a schedule I
controlled substance;

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(9) Habitual or excessive use of controlled substances, other
habit-forming drugs, or alcohol or other chemical substances to an
extent that impairs the individual's ability to provide safe
nursing care or safe dialysis care;

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(10) Impairment of the ability to practice according to 16429

acceptable and prevailing standards of safe nursing care or safe dialysis care because of the use of drugs, alcohol, or other chemical substances;	16430 16431 16432
(11) Impairment of the ability to practice according to acceptable and prevailing standards of safe nursing care or safe dialysis care because of a physical or mental disability;	16433 16434 16435
(12) Assaulting or causing harm to a patient or depriving a patient of the means to summon assistance;	16436 16437
(13) Misappropriation or attempted misappropriation of money or anything of value in the course of practice;	16438 16439
(14) Adjudication by a probate court of being mentally ill or mentally incompetent. The board may reinstate the person's nursing license or dialysis technician certificate upon adjudication by a probate court of the person's restoration to competency or upon submission to the board of other proof of competency.	16440 16441 16442 16443 16444
(15) The suspension or termination of employment by the department of defense or the veterans administration of the United States for any act that violates or would violate this chapter;	16445 16446 16447
(16) Violation of this chapter or any rules adopted under it;	16448
(17) Violation of any restrictions placed by the board on a nursing license or dialysis technician certificate;	16449 16450
(18) Failure to use universal and standard precautions established by rules adopted under section 4723.07 of the Revised Code;	16451 16452 16453
(19) Failure to practice in accordance with acceptable and prevailing standards of safe nursing care or safe dialysis care;	16454 16455
(20) In the case of a registered nurse, engaging in activities that exceed the practice of nursing as a registered nurse;	16456 16457 16458
(21) In the case of a licensed practical nurse, engaging in	16459

activities that exceed the practice of nursing as a licensed practical nurse;	16460 16461
(22) In the case of a dialysis technician, engaging in activities that exceed those permitted under section 4723.72 of the Revised Code;	16462 16463 16464
(23) Aiding and abetting a person in that person's practice of nursing without a license or practice as a dialysis technician without a certificate issued under this chapter;	16465 16466 16467
(24) In the case of a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, except as provided in division (M) of this section, either of the following:	16468 16469 16470 16471
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers such nursing services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;	16472 16473 16474 16475 16476 16477
(b) Advertising that the nurse will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers such nursing services, would otherwise be required to pay.	16478 16479 16480 16481 16482
(25) Failure to comply with the terms and conditions of participation in the chemical dependency monitoring program established under section 4723.35 of the Revised Code;	16483 16484 16485
(26) Failure to comply with the terms and conditions required under the practice intervention and improvement program established under section 4723.282 of the Revised Code;	16486 16487 16488
(27) In the case of a certified registered nurse anesthetist,	16489

clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner:	16490 16491
(a) Engaging in activities that exceed those permitted for the nurse's nursing specialty under section 4723.43 of the Revised Code;	16492 16493 16494
(b) Failure to meet the quality assurance standards established under section 4723.07 of the Revised Code.	16495 16496
(28) In the case of a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, failure to maintain a standard care arrangement in accordance with section 4723.431 of the Revised Code or to practice in accordance with the standard care arrangement;	16497 16498 16499 16500 16501
(29) In the case of a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner who holds a certificate to prescribe issued under section 4723.48 of the Revised Code, failure to prescribe drugs and therapeutic devices in accordance with section 4723.481 of the Revised Code;	16502 16503 16504 16505 16506
(30) Prescribing any drug or device to perform or induce an abortion, or otherwise performing or inducing an abortion;	16507 16508
(31) Failure to establish and maintain professional boundaries with a patient, as specified in rules adopted under section 4723.07 of the Revised Code;	16509 16510 16511
(32) Regardless of whether the contact or verbal behavior is consensual, engaging with a patient other than the spouse of the registered nurse, licensed practical nurse, or dialysis technician in any of the following:	16512 16513 16514 16515
(a) Sexual contact, as defined in section 2907.01 of the Revised Code;	16516 16517
(b) Verbal behavior that is sexually demeaning to the patient or may be reasonably interpreted by the patient as sexually	16518 16519

demeaning. 16520

(33) Assisting suicide as defined in section 3795.01 of the Revised Code; 16521
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(34) Failure to comply with section 4723.487 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code. 16523
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(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication conducted under Chapter 119. of the Revised Code, except that in lieu of a hearing, the board may enter into a consent agreement with an individual to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by a vote of a quorum, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the agreement shall be of no effect. 16526
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(D) The hearings of the board shall be conducted in accordance with Chapter 119. of the Revised Code, the board may appoint a hearing examiner, as provided in section 119.09 of the Revised Code, to conduct any hearing the board is authorized to hold under Chapter 119. of the Revised Code. 16537
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In any instance in which the board is required under Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and the applicant, licensee, or certificate holder does not make a timely request for a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by a vote of a quorum, a final order that contains the board's findings. In the final order, the board may order any of the sanctions listed in division (A) or (B) of this section. 16542
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(E) If a criminal action is brought against a registered nurse, licensed practical nurse, or dialysis technician for an act or crime described in divisions (B)(3) to (7) of this section and the action is dismissed by the trial court other than on the merits, the board shall conduct an adjudication to determine whether the registered nurse, licensed practical nurse, or dialysis technician committed the act on which the action was based. If the board determines on the basis of the adjudication that the registered nurse, licensed practical nurse, or dialysis technician committed the act, or if the registered nurse, licensed practical nurse, or dialysis technician fails to participate in the adjudication, the board may take action as though the registered nurse, licensed practical nurse, or dialysis technician had been convicted of the act.

If the board takes action on the basis of a conviction, plea, or a judicial finding as described in divisions (B)(3) to (7) of this section that is overturned on appeal, the registered nurse, licensed practical nurse, or dialysis technician may, on exhaustion of the appeal process, petition the board for reconsideration of its action. On receipt of the petition and supporting court documents, the board shall temporarily rescind its action. If the board determines that the decision on appeal was a decision on the merits, it shall permanently rescind its action. If the board determines that the decision on appeal was not a decision on the merits, it shall conduct an adjudication to determine whether the registered nurse, licensed practical nurse, or dialysis technician committed the act on which the original conviction, plea, or judicial finding was based. If the board determines on the basis of the adjudication that the registered nurse, licensed practical nurse, or dialysis technician committed such act, or if the registered nurse, licensed practical nurse, or dialysis technician does not request an adjudication, the board shall reinstate its action; otherwise, the board shall permanently

rescind its action. 16584

Notwithstanding the provision of division (C)(2) of section 16585
2953.32 of the Revised Code specifying that if records pertaining 16586
to a criminal case are sealed under that section the proceedings 16587
in the case shall be deemed not to have occurred, sealing of the 16588
following records on which the board has based an action under 16589
this section shall have no effect on the board's action or any 16590
sanction imposed by the board under this section: records of any 16591
conviction, guilty plea, judicial finding of guilt resulting from 16592
a plea of no contest, or a judicial finding of eligibility for a 16593
pretrial diversion program or intervention in lieu of conviction. 16594

The board shall not be required to seal, destroy, redact, or 16595
otherwise modify its records to reflect the court's sealing of 16596
conviction records. 16597

(F) The board may investigate an individual's criminal 16598
background in performing its duties under this section. As part of 16599
such investigation, the board may order the individual to submit, 16600
at the individual's expense, a request to the bureau of criminal 16601
identification and investigation for a criminal records check and 16602
check of federal bureau of investigation records in accordance 16603
with the procedure described in section 4723.091 of the Revised 16604
Code. 16605

(G) During the course of an investigation conducted under 16606
this section, the board may compel any registered nurse, licensed 16607
practical nurse, or dialysis technician or applicant under this 16608
chapter to submit to a mental or physical examination, or both, as 16609
required by the board and at the expense of the individual, if the 16610
board finds reason to believe that the individual under 16611
investigation may have a physical or mental impairment that may 16612
affect the individual's ability to provide safe nursing care. 16613
Failure of any individual to submit to a mental or physical 16614
examination when directed constitutes an admission of the 16615

allegations, unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence.

If the board finds that an individual is impaired, the board shall require the individual to submit to care, counseling, or treatment approved or designated by the board, as a condition for initial, continued, reinstated, or renewed authority to practice. The individual shall be afforded an opportunity to demonstrate to the board that the individual can begin or resume the individual's occupation in compliance with acceptable and prevailing standards of care under the provisions of the individual's authority to practice.

For purposes of this division, any registered nurse, licensed practical nurse, or dialysis technician or applicant under this chapter shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board, and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(H) The board shall investigate evidence that appears to show that any person has violated any provision of this chapter or any rule of the board. Any person may report to the board any information the person may have that appears to show a violation of any provision of this chapter or rule of the board. In the absence of bad faith, any person who reports such information or who testifies before the board in any adjudication conducted under Chapter 119. of the Revised Code shall not be liable for civil damages as a result of the report or testimony.

(I) All of the following apply under this chapter with respect to the confidentiality of information:

(1) Information received by the board pursuant to a complaint

or an investigation is confidential and not subject to discovery 16647
in any civil action, except that the board may disclose 16648
information to law enforcement officers and government entities 16649
for purposes of an investigation of either a licensed health care 16650
professional, including a registered nurse, licensed practical 16651
nurse, or dialysis technician, or a person who may have engaged in 16652
the unauthorized practice of nursing or dialysis care. No law 16653
enforcement officer or government entity with knowledge of any 16654
information disclosed by the board pursuant to this division shall 16655
divulge the information to any other person or government entity 16656
except for the purpose of a government investigation, a 16657
prosecution, or an adjudication by a court or government entity. 16658

(2) If an investigation requires a review of patient records, 16659
the investigation and proceeding shall be conducted in such a 16660
manner as to protect patient confidentiality. 16661

(3) All adjudications and investigations of the board shall 16662
be considered civil actions for the purposes of section 2305.252 16663
of the Revised Code. 16664

(4) Any board activity that involves continued monitoring of 16665
an individual as part of or following any disciplinary action 16666
taken under this section shall be conducted in a manner that 16667
maintains the individual's confidentiality. Information received 16668
or maintained by the board with respect to the board's monitoring 16669
activities is not subject to discovery in any civil action and is 16670
confidential, except that the board may disclose information to 16671
law enforcement officers and government entities for purposes of 16672
an investigation of a licensee or certificate holder. 16673

(J) Any action taken by the board under this section 16674
resulting in a suspension from practice shall be accompanied by a 16675
written statement of the conditions under which the person may be 16676
reinstated to practice. 16677

(K) When the board refuses to grant a license or certificate 16678
to an applicant, revokes a license or certificate, or refuses to 16679
reinstate a license or certificate, the board may specify that its 16680
action is permanent. An individual subject to permanent action 16681
taken by the board is forever ineligible to hold a license or 16682
certificate of the type that was refused or revoked and the board 16683
shall not accept from the individual an application for 16684
reinstatement of the license or certificate or for a new license 16685
or certificate. 16686

(L) No unilateral surrender of a nursing license, certificate 16687
of authority, or dialysis technician certificate issued under this 16688
chapter shall be effective unless accepted by majority vote of the 16689
board. No application for a nursing license, certificate of 16690
authority, or dialysis technician certificate issued under this 16691
chapter may be withdrawn without a majority vote of the board. The 16692
board's jurisdiction to take disciplinary action under this 16693
section is not removed or limited when an individual has a license 16694
or certificate classified as inactive or fails to renew a license 16695
or certificate. 16696

(M) Sanctions shall not be imposed under division (B)(24) of 16697
this section against any licensee who waives deductibles and 16698
copayments as follows: 16699

(1) In compliance with the health benefit plan that expressly 16700
allows such a practice. Waiver of the deductibles or copayments 16701
shall be made only with the full knowledge and consent of the plan 16702
purchaser, payer, and third-party administrator. Documentation of 16703
the consent shall be made available to the board upon request. 16704

(2) For professional services rendered to any other person 16705
licensed pursuant to this chapter to the extent allowed by this 16706
chapter and the rules of the board. 16707

Sec. 4723.433. When an advanced practice registered nurse 16708

orders a test for the presence of Lyme disease in a patient, the 16709
nurse or nurse's delegate shall provide to the patient or 16710
patient's representative a written notice with the following 16711
information: 16712

"Your health care provider has ordered a test for the 16713
presence of Lyme disease. Current testing for Lyme disease can be 16714
problematic and may lead to false results. If you are tested for 16715
Lyme disease and the results are positive, this does not 16716
necessarily mean that you have contracted Lyme disease. In the 16717
alternative, if the results are negative, this does not 16718
necessarily mean that you have not contracted Lyme disease. If you 16719
continue to experience symptoms or have other health concerns, you 16720
should contact your health care provider and inquire about the 16721
appropriateness of additional testing or treatment." 16722

The nurse or nurse's delegate shall obtain a signature from 16723
the patient or patient's representative indicating receipt of the 16724
notice. The document containing the signature shall be kept in the 16725
patient's record. 16726

Sec. 4723.486. (A) A certificate to prescribe issued under 16727
section 4723.48 of the Revised Code that is not issued as an 16728
externship certificate is valid for two years, unless otherwise 16729
provided in rules adopted under section 4723.50 of the Revised 16730
Code or earlier suspended or revoked by the board. The board of 16731
nursing shall renew certificates to prescribe according to 16732
procedures and a renewal schedule established in rules adopted 16733
under section 4723.50 of the Revised Code. 16734

(B) The Except as provided in division (C) of this section, 16735
the board may renew a certificate to prescribe if the holder 16736
submits to the board all of the following: 16737

(1) Evidence of having completed during the previous two 16738
years at least twelve hours of continuing education in advanced 16739

pharmacology, or, if the certificate has been held for less than a full renewal period, the number of hours required by the board in rules adopted under section 4723.50 of the Revised Code;

(2) The fee required under section 4723.08 of the Revised Code for renewal of a certificate to prescribe;

(3) Any additional information the board requires pursuant to rules adopted under section 4723.50 of the Revised Code.

(C)(1) Except as provided in division (C)(2) of this section, in the case of a certificate holder seeking renewal who prescribes opioid analgesics or benzodiazepines, the holder shall certify to the board whether the holder has been granted access to the drug database established and maintained by the state board of pharmacy pursuant to section 4729.75 of the Revised Code.

(2) The requirement in division (C)(1) of this section does not apply if either of the following is the case:

(a) The state board of pharmacy notifies the board of nursing pursuant to section 4729.861 of the Revised Code that the certificate holder has been restricted from obtaining further information from the drug database.

(b) The state board of pharmacy no longer maintains the drug database.

(3) If a certificate holder certifies to the board of nursing that the holder has been granted access to the drug database and the board finds through an audit or other means that the holder has not been granted access, the board may take action under section 4723.28 of the Revised Code.

(D) The continuing education in pharmacology required under division (B)(1) of this section must be received from an accredited institution recognized by the board. The hours of continuing education required are in addition to any other

continuing education requirement that must be completed pursuant 16770
to this chapter. 16771

Sec. 4723.487. (A) As used in this section, "drug database" 16772
means the database established and maintained by the state board 16773
of pharmacy pursuant to section 4729.75 of the Revised Code. 16774

(B) The Except as provided in divisions (C) and (E) of this 16775
section, an advanced practice registered nurse holding a 16776
certificate to prescribe issued under this chapter shall comply 16777
with all of the following as conditions of prescribing a drug that 16778
is either an opioid analgesic or a benzodiazepine as part of a 16779
patient's course of treatment for a particular condition: 16780

(1) Before initially prescribing the drug, the nurse or the 16781
nurse's delegate shall request from the drug database a report of 16782
information related to the patient that covers at least the twelve 16783
months immediately preceding the date of the request. If the nurse 16784
practices primarily in a county of this state that adjoins another 16785
state, the nurse or delegate also shall request a report of any 16786
information available in the drug database that pertains to 16787
prescriptions issued or drugs furnished to the patient in the 16788
state adjoining that county. 16789

(2) If the patient's course of treatment for the condition 16790
continues for more than ninety days after the initial report is 16791
requested, the nurse or delegate shall make periodic requests for 16792
reports of information from the drug database until the course of 16793
treatment has ended. The requests shall be made at intervals not 16794
exceeding ninety days, determined according to the date the 16795
initial request was made. The request shall be made in the same 16796
manner provided in division (B)(1) of this section for requesting 16797
the initial report of information from the drug database. 16798

(3) On receipt of a report under division (B)(1) or (2) of 16799
this section, the nurse shall assess the information in the 16800

report. The nurse shall document in the patient's record that the 16801
report was received and the information was assessed. 16802

(C) Division (B) of this section does not apply if in any of 16803
the following circumstances: 16804

(1) A drug database report regarding the patient is not 16805
available, in which case the nurse shall document in the patient's 16806
record the reason that the report is not available. 16807

(2) The drug is prescribed in an amount indicated for a 16808
period not to exceed seven days. 16809

(3) The drug is prescribed for the treatment of cancer or 16810
another condition associated with cancer. 16811

(4) The drug is prescribed to a hospice patient in a hospice 16812
care program, as those terms are defined in section 3712.01 of the 16813
Revised Code, or any other patient diagnosed as terminally ill. 16814

(5) The drug is prescribed for administration in a hospital, 16815
nursing home, or residential care facility. 16816

(D) With respect to prescribing any drug that is not an 16817
opioid analgesic or a benzodiazepine but is included in the drug 16818
database pursuant to rules adopted under section 4729.84 of the 16819
Revised Code, the board of nursing shall adopt rules in accordance 16820
with Chapter 119. of the Revised Code that establish standards and 16821
procedures to be followed by an advanced practice registered nurse 16822
with a certificate to prescribe issued under section 4723.48 of 16823
the Revised Code regarding the review of patient information 16824
available through the drug database under division (A)(5) of 16825
section 4729.80 of the Revised Code. The rules shall be adopted in 16826
accordance with Chapter 119. of the Revised Code. 16827

~~(C)~~(E) This section and the rules adopted under it do not 16828
apply if the state board of pharmacy no longer maintains the drug 16829
database. 16830

Sec. 4725.01. As used in this chapter: 16831

(A)(1) The "practice of optometry" means the application of 16832
optical principles, through technical methods and devices, in the 16833
examination of human eyes for the purpose of ascertaining 16834
departures from the normal, measuring their functional powers, 16835
adapting optical accessories for the aid thereof, and detecting 16836
ocular abnormalities that may be evidence of disease, pathology, 16837
or injury. 16838

(2) In the case of a licensed optometrist who holds a topical 16839
ocular pharmaceutical agents certificate, the "practice of 16840
optometry" has the same meaning as in division (A)(1) of this 16841
section, except that it also includes administering topical ocular 16842
pharmaceutical agents. 16843

(3) In the case of a licensed optometrist who holds a 16844
therapeutic pharmaceutical agents certificate, the "practice of 16845
optometry" has the same meaning as in division (A)(1) of this 16846
section, except that it also includes all of the following: 16847

(a) Employing, applying, administering, and prescribing 16848
instruments, devices, and procedures, other than invasive 16849
procedures, for purpose of examination, investigation, diagnosis, 16850
treatment, or prevention of any disease, injury, or other abnormal 16851
condition of the visual system; 16852

(b) Employing, applying, administering, and prescribing 16853
topical ocular pharmaceutical agents; 16854

(c) Employing, applying, administering, and prescribing 16855
therapeutic pharmaceutical agents; 16856

(d) Assisting an individual in determining the individual's 16857
blood glucose level by using a commercially available 16858
glucose-monitoring device. Nothing in this section precludes a 16859
licensed optometrist who holds a therapeutic pharmaceutical agents 16860

certificate from using any particular type of commercially available glucose-monitoring device. 16861
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(B) "Topical ocular pharmaceutical agent" means a drug or dangerous drug that is a topical drug and used in the practice of optometry as follows: 16863
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(1) In the case of a licensed optometrist who holds a topical ocular pharmaceutical agents certificate, for evaluative purposes in the practice of optometry as set forth in division (A)(1) of this section; 16866
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(2) In the case of a licensed optometrist who holds a therapeutic pharmaceutical agents certificate, for purposes of examination, investigation, diagnosis, treatment, or prevention of any disease, injury, or other abnormal condition of the visual system. 16870
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(C) "Therapeutic pharmaceutical agent" means a drug or dangerous drug that is used for examination, investigation, diagnosis, treatment, or prevention of any disease, injury, or other abnormal condition of the visual system in the practice of optometry by a licensed optometrist who holds a therapeutic pharmaceutical agents certificate, and is any of the following: 16875
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(1) An oral drug or dangerous drug in one of the following classifications: 16881
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(a) Anti-infectives, including antibiotics, antivirals, antimicrobials, and antifungals; 16883
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(b) Anti-allergy agents; 16885

(c) Antiglaucoma agents; 16886

(d) Analgesics, including only analgesic drugs that are available without a prescription, analgesic drugs or dangerous drugs that require a prescription but are not controlled substances, and ~~schedule III~~ analgesic drugs that are controlled 16887
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substances and authorized by the state board of optometry in rules 16891
adopted under section 4725.091 of the Revised Code; 16892

(e) Anti-inflammatories, excluding all drugs or dangerous 16893
drugs classified as oral steroids other than methylpredisolone, 7 16894
except that methylpredisolone may be used under a therapeutic 16895
pharmaceutical agents certificate only if it is prescribed under 16896
all of the following conditions: 16897

(i) For use in allergy cases; 16898

(ii) For use by an individual who is eighteen years of age or 16899
older; 16900

(iii) On the basis of an individual's particular episode of 16901
illness; 16902

(iv) In an amount that does not exceed the amount packaged 16903
for a single course of therapy. 16904

(2) Epinephrine administered by injection to individuals in 16905
emergency situations to counteract anaphylaxis or anaphylactic 16906
shock. Notwithstanding any provision of this section to the 16907
contrary, administration of epinephrine in this manner does not 16908
constitute performance of an invasive procedure. 16909

(3) An oral drug or dangerous drug that is not included under 16910
division (C)(1) of this section, if the drug or dangerous drug is 16911
approved, exempt from approval, certified, or exempt from 16912
certification by the federal food and drug administration for 16913
ophthalmic purposes and the drug or dangerous drug is specified in 16914
rules adopted by the state board of optometry under section 16915
4725.09 of the Revised Code. 16916

(D) "Controlled substance" has the same meaning as in section 16917
3719.01 of the Revised Code. 16918

(E) "Drug" and "dangerous drug" have the same meanings as in 16919
section 4729.01 of the Revised Code. 16920

(F) "Invasive procedure" means any procedure that involves cutting or otherwise infiltrating human tissue by mechanical means including surgery, laser surgery, ionizing radiation, therapeutic ultrasound, administering medication by injection, or the removal of intraocular foreign bodies.

(G) "Visual system" means the human eye and its accessory or subordinate anatomical parts.

(H) "Certificate of licensure" means a certificate issued by the state board of optometry under section 4725.13 of the Revised Code authorizing the holder to practice optometry as provided in division (A)(1) of this section.

(I) "Topical ocular pharmaceutical agents certificate" means a certificate issued by the state board of optometry under section 4725.13 of the Revised Code authorizing the holder to practice optometry as provided in division (A)(2) of this section.

(J) "Therapeutic pharmaceutical agents certificate" means a certificate issued by the state board of optometry under division (A)(3) or (4) of section 4725.13 of the Revised Code authorizing the holder to practice optometry as provided in division (A)(3) of this section.

Sec. 4725.091. (A) The state board of optometry shall adopt rules governing the authority of licensed optometrists practicing under therapeutic pharmaceutical agents certificates to employ, apply, administer, and prescribe ~~schedule III analgesic drugs that~~ are controlled substances ~~under a therapeutic pharmaceutical agents certificate~~. The rules shall be adopted in accordance with Chapter 119. of the Revised Code and in consultation with the state board of pharmacy.

(B) All of the following apply to the state board of optometry in the adoption of rules under this section:

(1) The board shall not permit an optometrist to employ, 16951
apply, administer, or prescribe ~~a schedule III~~ an analgesic drug 16952
that is a controlled substance other than a drug that is either of 16953
the following: 16954

(a) A drug that is included in section 3719.41 of the Revised 16955
Code within the schedule III narcotics-narcotic preparations 16956
category; 16957

(b) A drug that immediately prior to the effective date of 16958
this amendment was included in section 3719.41 of the Revised Code 16959
within the schedule III narcotics-narcotic preparations category, 16960
even if that drug subsequently is transferred to a different 16961
schedule or category by the general assembly, the state board of 16962
pharmacy pursuant to section 3719.44 of the Revised Code, or the 16963
United States attorney general pursuant to the federal drug abuse 16964
control laws, as defined in section 3719.01 of the Revised Code. 16965

(2) The board shall limit the ~~schedule III~~ analgesic drugs 16966
that are controlled substances that optometrists may employ, 16967
apply, administer, or prescribe to the drugs that the board 16968
determines are appropriate for use in the practice of optometry 16969
under a therapeutic pharmaceutical agents certificate. 16970

(3) With regard to the prescribing of ~~schedule III~~ analgesic 16971
drugs that are controlled substances, the board shall establish 16972
prescribing standards to be followed by optometrists who hold 16973
therapeutic pharmaceutical agents certificates. The board shall 16974
take into account the prescribing standards that exist within the 16975
health care marketplace. 16976

(4) The board shall establish standards and procedures for 16977
employing, applying, administering, and prescribing ~~schedule III~~ 16978
analgesic drugs that are controlled substances under a therapeutic 16979
pharmaceutical agents certificate by taking into consideration and 16980
examining issues that include the appropriate length of drug 16981

therapy, appropriate standards for drug treatment, necessary 16982
monitoring systems, and any other factors the board considers 16983
relevant. 16984

Sec. 4725.092. (A) As used in this section, "drug database" 16985
means the database established and maintained by the state board 16986
of pharmacy pursuant to section 4729.75 of the Revised Code. 16987

(B) The Except as provided in divisions (C) and (E) of this 16988
section, an optometrist holding a therapeutic pharmaceutical 16989
agents certificate shall comply with all of the following as 16990
conditions of prescribing a drug that is either an opioid 16991
analgesic or a benzodiazepine, or personally furnishing a complete 16992
or partial supply of such a drug, as part of a patient's course of 16993
treatment for a particular condition: 16994

(1) Before initially prescribing or furnishing the drug, the 16995
optometrist or the optometrist's delegate shall request from the 16996
drug database a report of information related to the patient that 16997
covers at least the twelve months immediately preceding the date 16998
of the request. If the optometrist practices primarily in a county 16999
of this state that adjoins another state, the optometrist or 17000
delegate also shall request a report of any information available 17001
in the drug database that pertains to prescriptions issued or 17002
drugs furnished to the patient in the state adjoining that county. 17003

(2) If the patient's course of treatment for the condition 17004
continues for more than ninety days after the initial report is 17005
requested, the optometrist or delegate shall make periodic 17006
requests for reports of information from the drug database until 17007
the course of treatment has ended. The requests shall be made at 17008
intervals not exceeding ninety days, determined according to the 17009
date the initial request was made. The request shall be made in 17010
the same manner provided in division (B)(1) of this section for 17011
requesting the initial report of information from the drug 17012

database. 17013

(3) On receipt of a report under division (B)(1) or (2) of this section, the optometrist shall assess the information in the report. The optometrist shall document in the patient's record that the report was received and the information was assessed. 17014
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(C)(1) Division (B) of this section does not apply if a drug database report regarding the patient is not available. In this event, the optometrist shall document in the patient's record the reason that the report is not available. 17018
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(2) Division (B) of this section does not apply if the drug is prescribed or personally furnished in an amount indicated for a period not to exceed seven days. 17022
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(D) With respect to prescribing or personally furnishing any drug that is not an opioid analgesic or a benzodiazepine but is included in the drug database pursuant to rules adopted under section 4729.84 of the Revised Code, the state board of optometry shall adopt rules in accordance with Chapter 119. of the Revised Code that establish standards and procedures to be followed by an optometrist who holds a therapeutic pharmaceutical agents certificate regarding the review of patient information available through the drug database under division (A)(5) of section 4729.80 of the Revised Code. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 17025
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~~(C)~~(E) This section and the rules adopted under it do not apply if the state board of pharmacy no longer maintains the drug database. 17036
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Sec. 4725.16. (A)(1) Each certificate of licensure, topical ocular pharmaceutical agents certificate, and therapeutic pharmaceutical agents certificate issued by the state board of optometry shall expire annually on the last day of December, and 17039
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may be renewed in accordance with this section and the standard 17043
renewal procedure established under Chapter 4745. of the Revised 17044
Code. 17045

(2) An optometrist seeking to continue to practice optometry 17046
shall file with the board an application for license renewal. The 17047
application shall be in such form and require such pertinent 17048
professional biographical data as the board may require. 17049

(3)(a) Except as provided in division (A)(3)(b) of this 17050
section, in the case of an optometrist seeking renewal who holds a 17051
topical ocular pharmaceutical agents certificate and who 17052
prescribes or personally furnishes opioid analgesics or 17053
benzodiazepines, the optometrist shall certify to the board 17054
whether the optometrist has been granted access to the drug 17055
database established and maintained by the state board of pharmacy 17056
pursuant to section 4729.75 of the Revised Code. 17057

(b) The requirement in division (A)(3)(a) of this section 17058
does not apply if either of the following is the case: 17059

(i) The state board of pharmacy notifies the state board of 17060
optometry pursuant to section 4729.861 of the Revised Code that 17061
the certificate holder has been restricted from obtaining further 17062
information from the drug database. 17063

(ii) The state board of pharmacy no longer maintains the drug 17064
database. 17065

(c) If an optometrist certifies to the state board of 17066
optometry that the optometrist has been granted access to the drug 17067
database and the board finds through an audit or other means that 17068
the optometrist has not been granted access, the board may take 17069
action under section 4725.19 of the Revised Code. 17070

(B) All licensed optometrists shall annually complete 17071
continuing education in subjects relating to the practice of 17072
optometry, to the end that the utilization and application of new 17073

techniques, scientific and clinical advances, and the achievements 17074
of research will assure comprehensive care to the public. The 17075
board shall prescribe by rule the continuing optometric education 17076
that licensed optometrists must complete. The length of study 17077
shall be twenty-five clock hours each year, including ten clock 17078
hours of instruction in pharmacology to be completed by all 17079
licensed optometrists. 17080

Unless the continuing education required under this division 17081
is waived or deferred under division (D) of this section, the 17082
continuing education must be completed during the twelve-month 17083
period beginning on the first day of October and ending on the 17084
last day of September. If the board receives notice from a 17085
continuing education program indicating that an optometrist 17086
completed the program after the last day of September, and the 17087
optometrist wants to use the continuing education completed after 17088
that day to renew the license that expires on the last day of 17089
December of that year, the optometrist shall pay the penalty 17090
specified under section 4725.34 of the Revised Code for late 17091
completion of continuing education. 17092

At least once annually, the board shall post on its web site 17093
and shall mail, or send by electronic mail, to each licensed 17094
optometrist a list of courses approved in accordance with 17095
standards prescribed by board rule. Upon the request of a licensed 17096
optometrist, the executive director of the board shall supply a 17097
list of additional courses that the board has approved subsequent 17098
to the most recent web site posting, electronic mail transmission, 17099
or mailing of the list of approved courses. 17100

(C)(1) Annually, not later than the first day of November, 17101
the board shall mail or send by electronic mail a notice regarding 17102
license renewal to each licensed optometrist who may be eligible 17103
for renewal. The notice shall be sent to the optometrist's most 17104
recent electronic mail or mailing address shown in the board's 17105

records. If the board knows that the optometrist has completed the 17106
required continuing optometric education for the year, the board 17107
may include with the notice an application for license renewal. 17108

(2) Filing a license renewal application with the board shall 17109
serve as notice by the optometrist that the continuing optometric 17110
education requirement has been successfully completed. If the 17111
board finds that an optometrist has not completed the required 17112
continuing optometric education, the board shall disapprove the 17113
optometrist's application. The board's disapproval of renewal is 17114
effective without a hearing, unless a hearing is requested 17115
pursuant to Chapter 119. of the Revised Code. 17116

(3) The board shall refuse to accept an application for 17117
renewal from any applicant whose license is not in good standing 17118
or who is under disciplinary review pursuant to section 4725.19 of 17119
the Revised Code. 17120

(4) Notice of an applicant's failure to qualify for renewal 17121
shall be served upon the applicant by mail. The notice shall be 17122
sent not later than the fifteenth day of November to the 17123
applicant's last address shown in the board's records. 17124

(D) In cases of certified illness or undue hardship, the 17125
board may waive or defer for up to twelve months the requirement 17126
of continuing optometric education, except that in such cases the 17127
board may not waive or defer the continuing education in 17128
pharmacology required to be completed by optometrists who hold 17129
topical ocular pharmaceutical agents certificates or therapeutic 17130
pharmaceutical agents certificates. The board shall waive the 17131
requirement of continuing optometric education for any optometrist 17132
who is serving on active duty in the armed forces of the United 17133
States or a reserve component of the armed forces of the United 17134
States, including the Ohio national guard or the national guard of 17135
any other state or who has received an initial certificate of 17136
licensure during the nine-month period which ended on the last day 17137

of September. 17138

(E) An optometrist whose renewal application has been 17139
approved may renew each certificate held by paying to the 17140
treasurer of state the fees for renewal specified under section 17141
4725.34 of the Revised Code. On payment of all applicable fees, 17142
the board shall issue a renewal of the optometrist's certificate 17143
of licensure, topical ocular pharmaceutical agents certificate, 17144
and therapeutic pharmaceutical agents certificate, as appropriate. 17145

(F) Not later than the fifteenth day of December, the board 17146
shall mail or send by electronic mail a second notice regarding 17147
license renewal to each licensed optometrist who may be eligible 17148
for renewal but did not respond to the notice sent under division 17149
(C)(1) of this section. The notice shall be sent to the 17150
optometrist's most recent electronic mail or mailing address shown 17151
in the board's records. If an optometrist fails to file a renewal 17152
application after the second notice is sent, the board shall send 17153
a third notice regarding license renewal prior to any action under 17154
division (I) of this section to classify the optometrist's 17155
certificates as delinquent. 17156

(G) The failure of an optometrist to apply for license 17157
renewal or the failure to pay the applicable annual renewal fees 17158
on or before the date of expiration, shall automatically work a 17159
forfeiture of the optometrist's authority to practice optometry in 17160
this state. 17161

(H) The board shall accept renewal applications and renewal 17162
fees that are submitted from the first day of January to the last 17163
day of April of the year next succeeding the date of expiration. 17164
An individual who submits such a late renewal application or fee 17165
shall pay the late renewal fee specified in section 4725.34 of the 17166
Revised Code. 17167

(I)(1) If the certificates issued by the board to an 17168

individual have expired and the individual has not filed a 17169
complete application during the late renewal period, the 17170
individual's certificates shall be classified in the board's 17171
records as delinquent. 17172

(2) Any optometrist subject to delinquent classification may 17173
submit a written application to the board for reinstatement. For 17174
reinstatement to occur, the applicant must meet all of the 17175
following conditions: 17176

(a) Submit to the board evidence of compliance with board 17177
rules requiring continuing optometric education in a sufficient 17178
number of hours to make up for any delinquent compliance; 17179

(b) Pay the renewal fees for the year in which application 17180
for reinstatement is made and the reinstatement fee specified 17181
under division (A)(8) of section 4725.34 of the Revised Code; 17182

(c) Pass all or part of the licensing examination accepted by 17183
the board under section 4725.11 of the Revised Code as the board 17184
considers appropriate to determine whether the application for 17185
reinstatement should be approved; 17186

(d) If the applicant has been practicing optometry in another 17187
state or country, submit evidence that the applicant's license to 17188
practice optometry in the other state or country is in good 17189
standing. 17190

(3) The board shall approve an application for reinstatement 17191
if the conditions specified in division (I)(2) of this section are 17192
met. An optometrist who receives reinstatement is subject to the 17193
continuing education requirements specified under division (B) of 17194
this section for the year in which reinstatement occurs. 17195

Sec. 4725.19. (A) In accordance with Chapter 119. of the 17196
Revised Code and by an affirmative vote of a majority of its 17197
members, the state board of optometry, for any of the reasons 17198

specified in division (B) of this section, shall refuse to grant a certificate of licensure to an applicant and may, with respect to a licensed optometrist, do one or more of the following:

(1) Suspend the operation of any certificate of licensure, topical ocular pharmaceutical agents certificate, or therapeutic pharmaceutical agents certificate, or all certificates granted by it to the optometrist;

(2) Permanently revoke any or all of the certificates;

(3) Limit or otherwise place restrictions on any or all of the certificates;

(4) Reprimand the optometrist;

(5) Impose a monetary penalty. If the reason for which the board is imposing the penalty involves a criminal offense that carries a fine under the Revised Code, the penalty shall not exceed the maximum fine that may be imposed for the criminal offense. In any other case, the penalty imposed by the board shall not exceed five hundred dollars.

(6) Require the optometrist to take corrective action courses.

The amount and content of corrective action courses shall be established by the board in rules adopted under section 4725.09 of the Revised Code.

(B) The sanctions specified in division (A) of this section may be taken by the board for any of the following reasons:

(1) Committing fraud in passing the licensing examination or making false or purposely misleading statements in an application for a certificate of licensure;

(2) Being at any time guilty of immorality, regardless of the jurisdiction in which the act was committed;

(3) Being guilty of dishonesty or unprofessional conduct in

the practice of optometry;	17229
(4) Being at any time guilty of a felony, regardless of the jurisdiction in which the act was committed;	17230 17231
(5) Being at any time guilty of a misdemeanor committed in the course of practice, regardless of the jurisdiction in which the act was committed;	17232 17233 17234
(6) Violating the conditions of any limitation or other restriction placed by the board on any certificate issued by the board;	17235 17236 17237
(7) Engaging in the practice of optometry as provided in division (A)(1), (2), or (3) of section 4725.01 of the Revised Code when the certificate authorizing that practice is under suspension, in which case the board shall permanently revoke the certificate;	17238 17239 17240 17241 17242
(8) Being denied a license to practice optometry in another state or country or being subject to any other sanction by the optometric licensing authority of another state or country, other than sanctions imposed for the nonpayment of fees;	17243 17244 17245 17246
(9) Departing from or failing to conform to acceptable and prevailing standards of care in the practice of optometry as followed by similar practitioners under the same or similar circumstances, regardless of whether actual injury to a patient is established;	17247 17248 17249 17250 17251
(10) Failing to maintain comprehensive patient records;	17252
(11) Advertising a price of optical accessories, eye examinations, or other products or services by any means that would deceive or mislead the public;	17253 17254 17255
(12) Being addicted to the use of alcohol, stimulants, narcotics, or any other substance which impairs the intellect and judgment to such an extent as to hinder or diminish the	17256 17257 17258

performance of the duties included in the person's practice of optometry;	17259 17260
(13) Engaging in the practice of optometry as provided in division (A)(2) or (3) of section 4725.01 of the Revised Code without authority to do so or, if authorized, in a manner inconsistent with the authority granted;	17261 17262 17263 17264
(14) Failing to make a report to the board as required by division (A) of section 4725.21 or section 4725.31 of the Revised Code;	17265 17266 17267
(15) Soliciting patients from door to door or establishing temporary offices, in which case the board shall suspend all certificates held by the optometrist;	17268 17269 17270
(16) <u>Failing to comply with section 4725.092 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;</u>	17271 17272 17273
(17) Except as provided in division (D) of this section:	17274
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers optometric services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that optometrist.	17275 17276 17277 17278 17279 17280
(b) Advertising that the optometrist will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers optometric services, would otherwise be required to pay.	17281 17282 17283 17284 17285
(C) Any person who is the holder of a certificate of licensure, or who is an applicant for a certificate of licensure against whom is preferred any charges, shall be furnished by the	17286 17287 17288

board with a copy of the complaint and shall have a hearing before 17289
the board in accordance with Chapter 119. of the Revised Code. 17290

(D) Sanctions shall not be imposed under division (B)~~(16)~~(17) 17291
of this section against any optometrist who waives deductibles and 17292
copayments: 17293

(1) In compliance with the health benefit plan that expressly 17294
allows such a practice. Waiver of the deductibles or copayments 17295
shall be made only with the full knowledge and consent of the plan 17296
purchaser, payer, and third-party administrator. Documentation of 17297
the consent shall be made available to the board upon request. 17298

(2) For professional services rendered to any other 17299
optometrist licensed by the board, to the extent allowed by 17300
sections 4725.01 to 4725.34 of the Revised Code and the rules of 17301
the board. 17302

Sec. 4729.12. An identification card issued by the state 17303
board of pharmacy under section 4729.08 of the Revised Code 17304
entitles the individual to whom it is issued to practice as a 17305
pharmacist or as a pharmacy intern in this state until the next 17306
annual renewal date. 17307

Identification cards shall be renewed annually on the 17308
fifteenth day of September, according to the standard renewal 17309
procedure of Chapter 4745. of the Revised Code. 17310

Each pharmacist and pharmacy intern shall carry the 17311
identification card or renewal identification card while engaged 17312
in the practice of pharmacy. The license shall be conspicuously 17313
exposed at the principal place where the pharmacist or pharmacy 17314
intern practices pharmacy. 17315

A pharmacist or pharmacy intern who desires to continue in 17316
the practice of pharmacy shall file with the board an application 17317
in such form and containing such data as the board may require for 17318

renewal of an identification card. An application filed under this 17319
section may not be withdrawn without the approval of the board. If 17320
the board finds that the applicant's card has not been revoked or 17321
placed under suspension and that the applicant has paid the 17322
renewal fee, has continued pharmacy education in accordance with 17323
the rules of the board, has been granted access to the drug 17324
database established and maintained by the board pursuant to 17325
section 4729.75 of the Revised Code (unless the board has 17326
restricted the applicant from obtaining any further information 17327
from the database or the board no longer maintains the database), 17328
and is entitled to continue in the practice of pharmacy, the board 17329
shall issue a renewal identification card to the applicant. 17330

When an identification card has lapsed for more than sixty 17331
days but application is made within three years after the 17332
expiration of the card, the applicant shall be issued a renewal 17333
identification card without further examination if the applicant 17334
meets the requirements of this section and pays the fee designated 17335
under division (E) of section 4729.15 of the Revised Code. 17336

Sec. 4729.54. (A) As used in this section ~~and section~~ 17337
~~4729.541 of the Revised Code:~~ 17338

(1) "Category I" means single-dose injections of intravenous 17339
fluids, including saline, Ringer's lactate, five per cent dextrose 17340
and distilled water, and other intravenous fluids or parenteral 17341
solutions included in this category by rule of the state board of 17342
pharmacy, that have a volume of one hundred milliliters or more 17343
and that contain no added substances, or single-dose injections of 17344
epinephrine to be administered pursuant to sections 4765.38 and 17345
4765.39 of the Revised Code. 17346

(2) "Category II" means any dangerous drug that is not 17347
included in category I or III. 17348

(3) "Category III" means any controlled substance that is 17349

contained in schedule I, II, III, IV, or V. 17350

(4) "Emergency medical service organization" has the same 17351
meaning as in section 4765.01 of the Revised Code. 17352

(5) "Person" includes an emergency medical service 17353
organization. 17354

(6) "Schedule I, schedule II, schedule III, schedule IV, and 17355
schedule V" mean controlled substance schedules I, II, III, IV, 17356
and V, respectively, as established pursuant to section 3719.41 of 17357
the Revised Code and as amended. 17358

(B)(1) A person who desires to be licensed as a terminal 17359
distributor of dangerous drugs shall file with the executive 17360
director of the state board of pharmacy a verified application. 17361
After it is filed, the application may not be withdrawn without 17362
approval of the board. 17363

(2) An application shall contain all the following that apply 17364
in the applicant's case: 17365

(a) Information that the board requires relative to the 17366
qualifications of a terminal distributor of dangerous drugs set 17367
forth in section 4729.55 of the Revised Code; 17368

(b) A statement that the person wishes to be licensed as a 17369
category I, category II, category III, limited category I, limited 17370
category II, or limited category III terminal distributor of 17371
dangerous drugs; 17372

(c) If the person wishes to be licensed as a limited category 17373
I, limited category II, or limited category III terminal 17374
distributor of dangerous drugs, a notarized list of the dangerous 17375
drugs that the person wishes to possess, have custody or control 17376
of, and distribute, which list shall also specify the purpose for 17377
which those drugs will be used and their source; 17378

(d) If the person is an emergency medical service 17379

organization, the information that is specified in division (C)(1) 17380
of this section; 17381

(e) Except for an emergency medical service organization, the 17382
identity of the one establishment or place at which the person 17383
intends to engage in the sale or other distribution of dangerous 17384
drugs at retail, and maintain possession, custody, or control of 17385
dangerous drugs for purposes other than the person's own use or 17386
consumption; 17387

(f) If the application pertains to a pain management clinic, 17388
information that demonstrates, to the satisfaction of the board, 17389
compliance with division (A) of section 4729.552 of the Revised 17390
Code. 17391

(C)(1) An emergency medical service organization that wishes 17392
to be licensed as a terminal distributor of dangerous drugs shall 17393
list in its application for licensure the following additional 17394
information: 17395

(a) The units under its control that the organization 17396
determines will possess dangerous drugs for the purpose of 17397
administering emergency medical services in accordance with 17398
Chapter 4765. of the Revised Code; 17399

(b) With respect to each such unit, whether the dangerous 17400
drugs that the organization determines the unit will possess are 17401
in category I, II, or III. 17402

(2) An emergency medical service organization that is 17403
licensed as a terminal distributor of dangerous drugs shall file a 17404
new application for such licensure if there is any change in the 17405
number, or location of, any of its units or any change in the 17406
category of the dangerous drugs that any unit will possess. 17407

(3) A unit listed in an application for licensure pursuant to 17408
division (C)(1) of this section may obtain the dangerous drugs it 17409
is authorized to possess from its emergency medical service 17410

organization or, on a replacement basis, from a hospital pharmacy. 17411
If units will obtain dangerous drugs from a hospital pharmacy, the 17412
organization shall file, and maintain in current form, the 17413
following items with the pharmacist who is responsible for the 17414
hospital's terminal distributor of dangerous drugs license: 17415

(a) A copy of its standing orders or protocol; 17416

(b) A list of the personnel employed or used by the 17417
organization to provide emergency medical services in accordance 17418
with Chapter 4765. of the Revised Code, who are authorized to 17419
possess the drugs, which list also shall indicate the personnel 17420
who are authorized to administer the drugs. 17421

(D) Each emergency medical service organization that applies 17422
for a terminal distributor of dangerous drugs license shall submit 17423
with its application the following: 17424

(1) A notarized copy of its standing orders or protocol, 17425
which orders or protocol shall be signed by a physician and 17426
specify the dangerous drugs that its units may carry, expressed in 17427
standard dose units; 17428

(2) A list of the personnel employed or used by the 17429
organization to provide emergency medical services in accordance 17430
with Chapter 4765. of the Revised Code. 17431

An emergency medical service organization that is licensed as 17432
a terminal distributor shall notify the board immediately of any 17433
changes in its standing orders or protocol. 17434

(E) There shall be six categories of terminal distributor of 17435
dangerous drugs licenses, which categories shall be as follows: 17436

(1) Category I license. A person who obtains this license may 17437
possess, have custody or control of, and distribute only the 17438
dangerous drugs described in category I. 17439

(2) Limited category I license. A person who obtains this 17440

license may possess, have custody or control of, and distribute 17441
only the dangerous drugs described in category I that were listed 17442
in the application for licensure. 17443

(3) Category II license. A person who obtains this license 17444
may possess, have custody or control of, and distribute only the 17445
dangerous drugs described in category I and category II. 17446

(4) Limited category II license. A person who obtains this 17447
license may possess, have custody or control of, and distribute 17448
only the dangerous drugs described in category I or category II 17449
that were listed in the application for licensure. 17450

(5) Category III license, which may include a pain management 17451
clinic classification issued under section 4729.552 of the Revised 17452
Code. A person who obtains this license may possess, have custody 17453
or control of, and distribute the dangerous drugs described in 17454
category I, category II, and category III. If the license includes 17455
a pain management clinic classification, the person may operate a 17456
pain management clinic. 17457

(6) Limited category III license. A person who obtains this 17458
license may possess, have custody or control of, and distribute 17459
only the dangerous drugs described in category I, category II, or 17460
category III that were listed in the application for licensure. 17461

(F) Except for an application made on behalf of an animal 17462
shelter, if an applicant for licensure as a limited category I, 17463
II, or III terminal distributor of dangerous drugs intends to 17464
administer dangerous drugs to a person or animal, the applicant 17465
shall submit, with the application, a notarized copy of its 17466
protocol or standing orders, which protocol or orders shall be 17467
signed by a licensed health professional authorized to prescribe 17468
drugs, specify the dangerous drugs to be administered, and list 17469
personnel who are authorized to administer the dangerous drugs in 17470
accordance with federal law or the law of this state. An 17471

application made on behalf of an animal shelter shall include a 17472
notarized list of the dangerous drugs to be administered to 17473
animals and the personnel who are authorized to administer the 17474
drugs to animals in accordance with section 4729.532 of the 17475
Revised Code. After obtaining a terminal distributor license, a 17476
licensee shall notify the board immediately of any changes in its 17477
protocol or standing orders, or in such personnel. 17478

(G)(1) Except as provided in division (G)(2) of this section, 17479
each applicant for licensure as a terminal distributor of 17480
dangerous drugs shall submit, with the application, a license fee 17481
determined as follows: 17482

(a) For a category I or limited category I license, 17483
forty-five dollars; 17484

(b) For a category II or limited category II license, one 17485
hundred twelve dollars and fifty cents; 17486

(c) For a category III license, including a license with a 17487
pain management clinic classification issued under section 17488
4729.552 of the Revised Code, or a limited category III license, 17489
one hundred fifty dollars. 17490

(2) For a professional association, corporation, partnership, 17491
or limited liability company organized for the purpose of 17492
practicing veterinary medicine, the fee shall be forty dollars. 17493

(3) Fees assessed under divisions (G)(1) and (2) of this 17494
section shall not be returned if the applicant fails to qualify 17495
for registration. 17496

(H)(1) The board shall issue a terminal distributor of 17497
dangerous drugs license to each person who submits an application 17498
for such licensure in accordance with this section, pays the 17499
required license fee, is determined by the board to meet the 17500
requirements set forth in section 4729.55 of the Revised Code, and 17501
satisfies any other applicable requirements of this section. 17502

(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.

No such license shall authorize or permit the terminal distributor of dangerous drugs named in it to engage in the sale or other distribution of dangerous drugs at retail or to maintain possession, custody, or control of dangerous drugs for any purpose other than the distributor's own use or consumption, at any establishment or place other than that described in the license, except that an agent or employee of an animal shelter may possess and use dangerous drugs in the course of business as provided in division (D) of section 4729.532 of the Revised Code.

(3) The license of an emergency medical service organization shall cover and describe all the units of the organization listed in its application for licensure.

(4) The license of every terminal distributor of dangerous drugs shall indicate, on its face, the category of licensure. If the license is a limited category I, II, or III license, it shall specify, and shall authorize the licensee to possess, have custody or control of, and distribute only, the dangerous drugs that were listed in the application for licensure.

(I) All licenses issued pursuant to this section shall be effective for a period of twelve months from the first day of ~~January~~ April of each year. A license shall be renewed by the board for a like period, annually, according to the provisions of this section, and the standard renewal procedure of Chapter 4745. of the Revised Code. A person who desires to renew a license shall submit an application for renewal and pay the required fee on or

before the thirty-first day of ~~December~~ March each year. The fee 17535
required for the renewal of a license shall be the same as the fee 17536
paid for the license being renewed, and shall accompany the 17537
application for renewal. 17538

A license that has not been renewed during ~~December~~ March in 17539
any year and by the first day of ~~February~~ May of the ~~following~~ 17540
same year may be reinstated only upon payment of the required 17541
renewal fee and a penalty fee of fifty-five dollars. 17542

(J)(1) No emergency medical service organization that is 17543
licensed as a terminal distributor of dangerous drugs shall fail 17544
to comply with division (C)(2) or (3) of this section. 17545

(2) No emergency medical service organization that is 17546
licensed as a terminal distributor of dangerous drugs shall fail 17547
to comply with division (D) of this section. 17548

(3) No licensed terminal distributor of dangerous drugs shall 17549
possess, have custody or control of, or distribute dangerous drugs 17550
that the terminal distributor is not entitled to possess, have 17551
custody or control of, or distribute by virtue of its category of 17552
licensure. 17553

(4) No licensee that is required by division (F) of this 17554
section to notify the board of changes in its protocol or standing 17555
orders, or in personnel, shall fail to comply with that division. 17556

Sec. 4729.541. (A) Except as provided in ~~division~~ divisions 17557
(B) and (C) of this section, a business entity described in 17558
division (B)(1)(j) or (k) of section 4729.51 of the Revised Code 17559
may possess, have custody or control of, and distribute the 17560
dangerous drugs in category I, category II, and category III ~~of,~~ 17561
as defined in section 4729.54 of the Revised Code, without holding 17562
a terminal distributor of dangerous drugs license issued under 17563
that section. 17564

(B) If a business entity described in division (B)(1)(j) or 17565
(k) of section 4729.51 of the Revised Code is a pain management 17566
clinic or is operating a pain management clinic, the entity shall 17567
hold a license as a terminal distributor of dangerous drugs with a 17568
pain management clinic classification issued under section 17569
4729.552 of the Revised Code. 17570

(C) Beginning April 1, 2015, a business entity described in 17571
division (B)(1)(j) or (k) of section 4729.51 of the Revised Code 17572
shall hold a license as a terminal distributor of dangerous drugs 17573
in order to possess, have custody or control of, and distribute 17574
dangerous drugs that are compounded or used for the purpose of 17575
compounding. 17576

Sec. 4729.65. (A) Except as provided in division (B) of this 17577
section, all receipts of the state board of pharmacy, from any 17578
source, shall be deposited into the state treasury to the credit 17579
of the occupational licensing and regulatory fund. All vouchers of 17580
the board shall be approved by the president or executive director 17581
of the board, or both, as authorized by the board. All initial 17582
issuance fees and renewal fees required by sections 4729.01 to 17583
4729.54 of the Revised Code shall be payable by the applicant at 17584
the time of making application. 17585

(B)(1) There is hereby created in the state treasury the 17586
board of pharmacy drug law enforcement fund. All moneys that are 17587
derived from any fines, mandatory fines, or forfeited bail to 17588
which the board may be entitled under Chapter 2925., division (C) 17589
of section 2923.42, or division (B) of section 2925.42 of the 17590
Revised Code and all moneys that are derived from forfeitures of 17591
property to which the board may be entitled pursuant to Chapter 17592
2925. or 2981. of the Revised Code, any other provision of the 17593
Revised Code, or federal law shall be deposited into the fund. 17594
Subject to division (B)(2) of this section, division (B) of 17595

section 2923.44, and divisions (B), (C), and (D) of section 17596
2981.13 of the Revised Code, the moneys in the fund shall be used 17597
solely to subsidize the drug law enforcement efforts of the board. 17598

(2) Notwithstanding any contrary provision in the Revised 17599
Code, moneys that are derived from forfeitures of property 17600
pursuant to federal law and that are deposited into the board of 17601
pharmacy drug law enforcement fund in accordance with division 17602
(B)(1) of this section shall be used and accounted for in 17603
accordance with the applicable federal law, and the board 17604
otherwise shall comply with that law in connection with the 17605
moneys. 17606

(C) All fines and forfeited bonds assessed and collected 17607
under prosecution or prosecution commenced in the enforcement of 17608
this chapter shall be paid to the executive director of the board 17609
within thirty days and by the executive director paid into the 17610
state treasury to the credit of the occupational licensing and 17611
regulatory fund. ~~The~~ 17612

(D)(1) Except as provided in divisions (D)(2) and (3) of this 17613
section, the board, subject to the approval of the controlling 17614
board and except for fees required to be established by the board 17615
at amounts "adequate" to cover designated expenses, may establish 17616
fees in excess of the amounts provided by this chapter, provided 17617
that such fees do not exceed the amounts permitted by this chapter 17618
by more than fifty per cent. 17619

(2) Division (D)(1) of this section does not apply to fees 17620
required by this chapter to be established at amounts adequate to 17621
cover designated expenses. 17622

(3) Fees established under division (D)(1) of this section or 17623
described in division (D)(2) of this section are subject to the 17624
limitation on fee increases specified in division (A) of section 17625
4729.83 of the Revised Code. 17626

Sec. 4729.80. (A) If the state board of pharmacy establishes 17627
and maintains a drug database pursuant to section 4729.75 of the 17628
Revised Code, the board is authorized or required to provide 17629
information from the database in accordance with the following: 17630

(1) On receipt of a request from a designated representative 17631
of a government entity responsible for the licensure, regulation, 17632
or discipline of health care professionals with authority to 17633
prescribe, administer, or dispense drugs, the board may provide to 17634
the representative information from the database relating to the 17635
professional who is the subject of an active investigation being 17636
conducted by the government entity. 17637

(2) On receipt of a request from a federal officer, or a 17638
state or local officer of this or any other state, whose duties 17639
include enforcing laws relating to drugs, the board shall provide 17640
to the officer information from the database relating to the 17641
person who is the subject of an active investigation of a drug 17642
abuse offense, as defined in section 2925.01 of the Revised Code, 17643
being conducted by the officer's employing government entity. 17644

(3) Pursuant to a subpoena issued by a grand jury, the board 17645
shall provide to the grand jury information from the database 17646
relating to the person who is the subject of an investigation 17647
being conducted by the grand jury. 17648

(4) Pursuant to a subpoena, search warrant, or court order in 17649
connection with the investigation or prosecution of a possible or 17650
alleged criminal offense, the board shall provide information from 17651
the database as necessary to comply with the subpoena, search 17652
warrant, or court order. 17653

(5) On receipt of a request from a prescriber or the 17654
prescriber's delegate approved by the board, the board ~~may~~ shall 17655
provide to the prescriber a report of information from the 17656
database relating to a patient who is either ~~of the following~~ a 17657

~~current patient of the prescriber or a potential patient of the~~ 17658
~~prescriber based on a referral of the patient to the prescriber,~~ 17659
~~if the prescriber certifies in a form specified by the board that~~ 17660
~~it is for the purpose of providing medical treatment to the~~ 17661
~~patient who is the subject of the request~~ all of the following 17662
conditions are met: 17663

(a) ~~A current patient of the prescriber~~ The prescriber 17664
certifies in a form specified by the board that it is for the 17665
purpose of providing medical treatment to the patient who is the 17666
subject of the request; 17667

(b) ~~A potential patient of the prescriber based on a referral~~ 17668
~~of the patient to the prescriber~~ The prescriber has not been 17669
denied access to the database by the board. 17670

(6) On receipt of a request from a pharmacist or the 17671
pharmacist's delegate approved by the board, the board ~~may~~ shall 17672
provide to the pharmacist information from the database relating 17673
to a current patient of the pharmacist, if the pharmacist 17674
certifies in a form specified by the board that it is for the 17675
purpose of the pharmacist's practice of pharmacy involving the 17676
patient who is the subject of the request and the pharmacist has 17677
not been denied access to the database by the board. 17678

(7) On receipt of a request from an individual seeking the 17679
individual's own database information in accordance with the 17680
procedure established in rules adopted under section 4729.84 of 17681
the Revised Code, the board may provide to the individual the 17682
individual's own database information. 17683

(8) On receipt of a request from the medical director of a 17684
managed care organization that has entered into a contract with 17685
the department of medicaid under section 5167.10 of the Revised 17686
Code and a data security agreement with the board required by 17687
section 5167.14 of the Revised Code, the board shall provide to 17688

the medical director information from the database relating to a 17689
medicaid recipient enrolled in the managed care organization, 17690
including information in the database related to prescriptions for 17691
the recipient that were not covered or reimbursed under a program 17692
administered by the department of medicaid. 17693

(9) On receipt of a request from the medicaid director, the 17694
board shall provide to the director information from the database 17695
relating to a recipient of a program administered by the 17696
department of medicaid, including information in the database 17697
related to prescriptions for the recipient that were not covered 17698
or paid by a program administered by the department. 17699

(10) On receipt of a request from the medical director of a 17700
managed care organization that has entered into a contract with 17701
the administrator of workers' compensation under division (B)(4) 17702
of section 4121.44 of the Revised Code and a data security 17703
agreement with the board required by section 4121.443 of the 17704
Revised Code, the board shall provide to the medical director 17705
information from the database relating to a claimant under Chapter 17706
4121., 4123., 4127., or 4131. of the Revised Code assigned to the 17707
managed care organization, including information in the database 17708
related to prescriptions for the claimant that were not covered or 17709
reimbursed under Chapter 4121., 4123., 4127., or 4131. of the 17710
Revised Code, if the administrator of workers' compensation 17711
confirms, upon request from the board, that the claimant is 17712
assigned to the managed care organization. 17713

(11) On receipt of a request from the administrator of 17714
workers' compensation, the board ~~may~~ shall provide to the 17715
administrator information from the database relating to a claimant 17716
under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, 17717
including information in the database related to prescriptions for 17718
the claimant that were not covered or reimbursed under Chapter 17719
4121., 4123., 4127., or 4131. of the Revised Code. 17720

~~(11)~~(12) On receipt of a request from a prescriber or the prescriber's delegate approved by the board, the board shall provide to the prescriber information from the database relating to a patient's mother, if the prescriber certifies in a form specified by the board that it is for the purpose of providing medical treatment to a newborn or infant patient diagnosed as opioid dependent and the prescriber has not been denied access to the database by the board.

(13) On receipt of a request from a requestor described in division (A)(1), (2), (5), or (6) of this section who is from or participating with another state's prescription monitoring program, the board may provide to the requestor information from the database, but only if there is a written agreement under which the information is to be used and disseminated according to the laws of this state.

(B) The state board of pharmacy shall maintain a record of each individual or entity that requests information from the database pursuant to this section. In accordance with rules adopted under section 4729.84 of the Revised Code, the board may use the records to document and report statistics and law enforcement outcomes.

The board may provide records of an individual's requests for database information to the following:

(1) A designated representative of a government entity that is responsible for the licensure, regulation, or discipline of health care professionals with authority to prescribe, administer, or dispense drugs who is involved in an active investigation being conducted by the government entity of the individual who submitted the requests for database information;

(2) A federal officer, or a state or local officer of this or any other state, whose duties include enforcing laws relating to

drugs and who is involved in an active investigation being 17752
conducted by the officer's employing government entity of the 17753
individual who submitted the requests for database information. 17754

(C) Information contained in the database and any information 17755
obtained from it is not a public record. Information contained in 17756
the records of requests for information from the database is not a 17757
public record. Information that does not identify a person may be 17758
released in summary, statistical, or aggregate form. 17759

(D) A pharmacist or prescriber shall not be held liable in 17760
damages to any person in any civil action for injury, death, or 17761
loss to person or property on the basis that the pharmacist or 17762
prescriber did or did not seek or obtain information from the 17763
database. 17764

Sec. 4729.83. (A) If the state board of pharmacy establishes 17765
and maintains a drug database pursuant to section 4729.75 of the 17766
Revised Code, the board may use, for the purpose of establishing 17767
or maintaining the database, any portion of the fees collected 17768
under section 4729.15, 4729.52, or 4729.54 of the Revised Code for 17769
the licensing or registration of pharmacists, pharmacy interns, 17770
wholesale distributors of dangerous drugs, or terminal 17771
distributors of dangerous drugs. The board shall not increase the 17772
amount of any of those fees solely for the purpose of establishing 17773
or maintaining the database. 17774

The board shall not impose any charge on a ~~terminal~~ 17775
~~distributor of dangerous drugs, pharmacist, or prescriber~~ for the 17776
establishment or maintenance of the database. The board shall not 17777
charge any fees for the transmission of data to the database or 17778
for the receipt of information from the database, except that the 17779
board may charge a fee in accordance with rules adopted under 17780
section 4729.84 of the Revised Code to an individual who requests 17781
the individual's own database information under section 4729.80 of 17782

the Revised Code. 17783

(B) The board may accept grants, gifts, or donations for 17784
purposes of the drug database. Any money received shall be 17785
deposited into the state treasury to the credit of the drug 17786
database fund, which is hereby created. Money in the fund shall be 17787
used solely for purposes of the drug database. 17788

Sec. 4729.86. If the state board of pharmacy establishes and 17789
maintains a drug database pursuant to section 4729.75 of the 17790
Revised Code, all of the following apply: 17791

(A)(1) No person identified in divisions (A)(1) to ~~(10)~~(12) 17792
or (B) of section 4729.80 of the Revised Code shall disseminate 17793
any written or electronic information the person receives from the 17794
drug database or otherwise provide another person access to the 17795
information that the person receives from the database, except as 17796
follows: 17797

(a) When necessary in the investigation or prosecution of a 17798
possible or alleged criminal offense; 17799

(b) When a person provides the information to the prescriber 17800
or pharmacist for whom the person is approved by the board to 17801
serve as a delegate of the prescriber or pharmacist for purposes 17802
of requesting and receiving information from the drug database 17803
under division (A)(5) or (6) of section 4729.80 of the Revised 17804
Code; 17805

(c) When a prescriber or pharmacist provides the information 17806
to a person who is approved by the board to serve as such a 17807
delegate of the prescriber or pharmacist. 17808

(2) No person shall provide false information to the state 17809
board of pharmacy with the intent to obtain or alter information 17810
contained in the drug database. 17811

(3) No person shall obtain drug database information by any 17812

means except as provided under section 4729.80 or 4729.81 of the Revised Code.

(B) A person shall not use information obtained pursuant to division (A) of section 4729.80 of the Revised Code as evidence in any civil or administrative proceeding.

(C)(1) The Except as provided in division (C)(2) of this section, after providing notice and affording an opportunity for a hearing in accordance with Chapter 119. of the Revised Code, the board may restrict a person from obtaining further information from the drug database if any of the following is the case:

(a) The person violates division (A)(1), (2), or (3) of this section;

(b) The person is a requestor identified in division (A)~~(11)~~(13) of section 4729.80 of the Revised Code and the board determines that the person's actions in another state would have constituted a violation of division (A)(1), (2), or (3) of this section;

(c) The person fails to comply with division (B) of this section, regardless of the jurisdiction in which the failure to comply occurred;

(d) The person creates, by clear and convincing evidence, a threat to the security of information contained in the database.

(2) If the board determines that allegations regarding a person's actions warrant restricting the person from obtaining further information from the drug database without a prior hearing, the board may summarily impose the restriction. A telephone conference call may be used for reviewing the allegations and taking a vote on the summary restriction. The summary restriction shall remain in effect, unless removed by the board, until the board's final adjudication order becomes effective.

(3) The board shall determine the extent to which the person 17844
is restricted from obtaining further information from the 17845
database. 17846

Sec. 4729.861. If the state board of pharmacy establishes and 17847
maintains a drug database pursuant to section 4729.75 of the 17848
Revised Code and if the board restricts a prescriber from 17849
obtaining further information from the database pursuant to 17850
division (C) of section 4729.86 of the Revised Code, the board 17851
shall notify the government entity responsible for licensing the 17852
prescriber. 17853

Sec. 4730.093. When a physician assistant orders a test for 17854
the presence of Lyme disease in a patient, the physician assistant 17855
or physician assistant's delegate shall provide to the patient or 17856
patient's representative a written notice with the following 17857
information: 17858

"Your health care provider has ordered a test for the 17859
presence of Lyme disease. Current testing for Lyme disease can be 17860
problematic and may lead to false results. If you are tested for 17861
Lyme disease and the results are positive, this does not 17862
necessarily mean that you have contracted Lyme disease. In the 17863
alternative, if the results are negative, this does not 17864
necessarily mean that you have not contracted Lyme disease. If you 17865
continue to experience symptoms or have other health concerns, you 17866
should contact your health care provider and inquire about the 17867
appropriateness of additional testing or treatment." 17868

The physician assistant or physician assistant's delegate 17869
shall obtain a signature from the patient or patient's 17870
representative indicating receipt of the notice. The document 17871
containing the signature shall be kept in the patient's record. 17872

Sec. 4730.25. (A) The state medical board, by an affirmative 17873

vote of not fewer than six members, may revoke or may refuse to 17874
grant a certificate to practice as a physician assistant or a 17875
certificate to prescribe to a person found by the board to have 17876
committed fraud, misrepresentation, or deception in applying for 17877
or securing the certificate. 17878

(B) The board, by an affirmative vote of not fewer than six 17879
members, shall, to the extent permitted by law, limit, revoke, or 17880
suspend an individual's certificate to practice as a physician 17881
assistant or certificate to prescribe, refuse to issue a 17882
certificate to an applicant, refuse to reinstate a certificate, or 17883
reprimand or place on probation the holder of a certificate for 17884
any of the following reasons: 17885

(1) Failure to practice in accordance with the conditions 17886
under which the supervising physician's supervision agreement with 17887
the physician assistant was approved, including the requirement 17888
that when practicing under a particular supervising physician, the 17889
physician assistant must practice only according to the physician 17890
supervisory plan the board approved for that physician or the 17891
policies of the health care facility in which the supervising 17892
physician and physician assistant are practicing; 17893

(2) Failure to comply with the requirements of this chapter, 17894
Chapter 4731. of the Revised Code, or any rules adopted by the 17895
board; 17896

(3) Violating or attempting to violate, directly or 17897
indirectly, or assisting in or abetting the violation of, or 17898
conspiring to violate, any provision of this chapter, Chapter 17899
4731. of the Revised Code, or the rules adopted by the board; 17900

(4) Inability to practice according to acceptable and 17901
prevailing standards of care by reason of mental illness or 17902
physical illness, including physical deterioration that adversely 17903
affects cognitive, motor, or perceptive skills; 17904

(5) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice; 17905
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(6) Administering drugs for purposes other than those authorized under this chapter; 17909
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(7) Willfully betraying a professional confidence; 17911

(8) Making a false, fraudulent, deceptive, or misleading statement in soliciting or advertising for employment as a physician assistant; in connection with any solicitation or advertisement for patients; in relation to the practice of medicine as it pertains to physician assistants; or in securing or attempting to secure a certificate to practice as a physician assistant, a certificate to prescribe, or approval of a supervision agreement. 17912
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As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived. 17920
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(9) Representing, with the purpose of obtaining compensation or other advantage personally or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured; 17928
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(10) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice; 17932
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(11) A plea of guilty to, a judicial finding of guilt of, or 17935

a judicial finding of eligibility for intervention in lieu of conviction for, a felony;	17936 17937
(12) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	17938 17939 17940
(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;	17941 17942 17943
(14) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;	17944 17945 17946
(15) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	17947 17948 17949
(16) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	17950 17951 17952
(17) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs;	17953 17954 17955 17956 17957
(18) Any of the following actions taken by the state agency responsible for regulating the practice of physician assistants in another state, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;	17958 17959 17960 17961 17962 17963 17964 17965

(19) A departure from, or failure to conform to, minimal standards of care of similar physician assistants under the same or similar circumstances, regardless of whether actual injury to a patient is established;	17966 17967 17968 17969
(20) Violation of the conditions placed by the board on a certificate to practice as a physician assistant, a certificate to prescribe, a physician supervisory plan, or supervision agreement;	17970 17971 17972
(21) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;	17973 17974 17975
(22) Failure to cooperate in an investigation conducted by the board under section 4730.26 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;	17976 17977 17978 17979 17980 17981 17982 17983 17984
(23) Assisting suicide as defined in section 3795.01 of the Revised Code;	17985 17986
(24) Prescribing any drug or device to perform or induce an abortion, or otherwise performing or inducing an abortion;	17987 17988
<u>(25) Failure to comply with section 4730.53 of the Revised Code, unless the board no longer maintains a drug database pursuant to section 4729.75 of the Revised Code.</u>	17989 17990 17991
(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with a physician assistant or applicant to resolve an	17992 17993 17994 17995 17996

allegation of a violation of this chapter or any rule adopted 17997
under it. A consent agreement, when ratified by an affirmative 17998
vote of not fewer than six members of the board, shall constitute 17999
the findings and order of the board with respect to the matter 18000
addressed in the agreement. If the board refuses to ratify a 18001
consent agreement, the admissions and findings contained in the 18002
consent agreement shall be of no force or effect. 18003

(D) For purposes of divisions (B)(12), (15), and (16) of this 18004
section, the commission of the act may be established by a finding 18005
by the board, pursuant to an adjudication under Chapter 119. of 18006
the Revised Code, that the applicant or certificate holder 18007
committed the act in question. The board shall have no 18008
jurisdiction under these divisions in cases where the trial court 18009
renders a final judgment in the certificate holder's favor and 18010
that judgment is based upon an adjudication on the merits. The 18011
board shall have jurisdiction under these divisions in cases where 18012
the trial court issues an order of dismissal upon technical or 18013
procedural grounds. 18014

(E) The sealing of conviction records by any court shall have 18015
no effect upon a prior board order entered under the provisions of 18016
this section or upon the board's jurisdiction to take action under 18017
the provisions of this section if, based upon a plea of guilty, a 18018
judicial finding of guilt, or a judicial finding of eligibility 18019
for intervention in lieu of conviction, the board issued a notice 18020
of opportunity for a hearing prior to the court's order to seal 18021
the records. The board shall not be required to seal, destroy, 18022
redact, or otherwise modify its records to reflect the court's 18023
sealing of conviction records. 18024

(F) For purposes of this division, any individual who holds a 18025
certificate issued under this chapter, or applies for a 18026
certificate issued under this chapter, shall be deemed to have 18027
given consent to submit to a mental or physical examination when 18028

directed to do so in writing by the board and to have waived all 18029
objections to the admissibility of testimony or examination 18030
reports that constitute a privileged communication. 18031

(1) In enforcing division (B)(4) of this section, the board, 18032
upon a showing of a possible violation, may compel any individual 18033
who holds a certificate issued under this chapter or who has 18034
applied for a certificate pursuant to this chapter to submit to a 18035
mental examination, physical examination, including an HIV test, 18036
or both a mental and physical examination. The expense of the 18037
examination is the responsibility of the individual compelled to 18038
be examined. Failure to submit to a mental or physical examination 18039
or consent to an HIV test ordered by the board constitutes an 18040
admission of the allegations against the individual unless the 18041
failure is due to circumstances beyond the individual's control, 18042
and a default and final order may be entered without the taking of 18043
testimony or presentation of evidence. If the board finds a 18044
physician assistant unable to practice because of the reasons set 18045
forth in division (B)(4) of this section, the board shall require 18046
the physician assistant to submit to care, counseling, or 18047
treatment by physicians approved or designated by the board, as a 18048
condition for an initial, continued, reinstated, or renewed 18049
certificate. An individual affected under this division shall be 18050
afforded an opportunity to demonstrate to the board the ability to 18051
resume practicing in compliance with acceptable and prevailing 18052
standards of care. 18053

(2) For purposes of division (B)(5) of this section, if the 18054
board has reason to believe that any individual who holds a 18055
certificate issued under this chapter or any applicant for a 18056
certificate suffers such impairment, the board may compel the 18057
individual to submit to a mental or physical examination, or both. 18058
The expense of the examination is the responsibility of the 18059
individual compelled to be examined. Any mental or physical 18060

examination required under this division shall be undertaken by a 18061
treatment provider or physician qualified to conduct such 18062
examination and chosen by the board. 18063

Failure to submit to a mental or physical examination ordered 18064
by the board constitutes an admission of the allegations against 18065
the individual unless the failure is due to circumstances beyond 18066
the individual's control, and a default and final order may be 18067
entered without the taking of testimony or presentation of 18068
evidence. If the board determines that the individual's ability to 18069
practice is impaired, the board shall suspend the individual's 18070
certificate or deny the individual's application and shall require 18071
the individual, as a condition for initial, continued, reinstated, 18072
or renewed certification to practice or prescribe, to submit to 18073
treatment. 18074

Before being eligible to apply for reinstatement of a 18075
certificate suspended under this division, the physician assistant 18076
shall demonstrate to the board the ability to resume practice or 18077
prescribing in compliance with acceptable and prevailing standards 18078
of care. The demonstration shall include the following: 18079

(a) Certification from a treatment provider approved under 18080
section 4731.25 of the Revised Code that the individual has 18081
successfully completed any required inpatient treatment; 18082

(b) Evidence of continuing full compliance with an aftercare 18083
contract or consent agreement; 18084

(c) Two written reports indicating that the individual's 18085
ability to practice has been assessed and that the individual has 18086
been found capable of practicing according to acceptable and 18087
prevailing standards of care. The reports shall be made by 18088
individuals or providers approved by the board for making such 18089
assessments and shall describe the basis for their determination. 18090

The board may reinstate a certificate suspended under this 18091

division after such demonstration and after the individual has 18092
entered into a written consent agreement. 18093

When the impaired physician assistant resumes practice or 18094
prescribing, the board shall require continued monitoring of the 18095
physician assistant. The monitoring shall include compliance with 18096
the written consent agreement entered into before reinstatement or 18097
with conditions imposed by board order after a hearing, and, upon 18098
termination of the consent agreement, submission to the board for 18099
at least two years of annual written progress reports made under 18100
penalty of falsification stating whether the physician assistant 18101
has maintained sobriety. 18102

(G) If the secretary and supervising member determine that 18103
there is clear and convincing evidence that a physician assistant 18104
has violated division (B) of this section and that the 18105
individual's continued practice or prescribing presents a danger 18106
of immediate and serious harm to the public, they may recommend 18107
that the board suspend the individual's certificate to practice or 18108
prescribe without a prior hearing. Written allegations shall be 18109
prepared for consideration by the board. 18110

The board, upon review of those allegations and by an 18111
affirmative vote of not fewer than six of its members, excluding 18112
the secretary and supervising member, may suspend a certificate 18113
without a prior hearing. A telephone conference call may be 18114
utilized for reviewing the allegations and taking the vote on the 18115
summary suspension. 18116

The board shall issue a written order of suspension by 18117
certified mail or in person in accordance with section 119.07 of 18118
the Revised Code. The order shall not be subject to suspension by 18119
the court during pendency of any appeal filed under section 119.12 18120
of the Revised Code. If the physician assistant requests an 18121
adjudicatory hearing by the board, the date set for the hearing 18122
shall be within fifteen days, but not earlier than seven days, 18123

after the physician assistant requests the hearing, unless 18124
otherwise agreed to by both the board and the certificate holder. 18125

A summary suspension imposed under this division shall remain 18126
in effect, unless reversed on appeal, until a final adjudicative 18127
order issued by the board pursuant to this section and Chapter 18128
119. of the Revised Code becomes effective. The board shall issue 18129
its final adjudicative order within sixty days after completion of 18130
its hearing. Failure to issue the order within sixty days shall 18131
result in dissolution of the summary suspension order, but shall 18132
not invalidate any subsequent, final adjudicative order. 18133

(H) If the board takes action under division (B)(11), (13), 18134
or (14) of this section, and the judicial finding of guilt, guilty 18135
plea, or judicial finding of eligibility for intervention in lieu 18136
of conviction is overturned on appeal, upon exhaustion of the 18137
criminal appeal, a petition for reconsideration of the order may 18138
be filed with the board along with appropriate court documents. 18139
Upon receipt of a petition and supporting court documents, the 18140
board shall reinstate the certificate to practice or prescribe. 18141
The board may then hold an adjudication under Chapter 119. of the 18142
Revised Code to determine whether the individual committed the act 18143
in question. Notice of opportunity for hearing shall be given in 18144
accordance with Chapter 119. of the Revised Code. If the board 18145
finds, pursuant to an adjudication held under this division, that 18146
the individual committed the act, or if no hearing is requested, 18147
it may order any of the sanctions identified under division (B) of 18148
this section. 18149

(I) The certificate to practice issued to a physician 18150
assistant and the physician assistant's practice in this state are 18151
automatically suspended as of the date the physician assistant 18152
pleads guilty to, is found by a judge or jury to be guilty of, or 18153
is subject to a judicial finding of eligibility for intervention 18154
in lieu of conviction in this state or treatment or intervention 18155

in lieu of conviction in another state for any of the following 18156
criminal offenses in this state or a substantially equivalent 18157
criminal offense in another jurisdiction: aggravated murder, 18158
murder, voluntary manslaughter, felonious assault, kidnapping, 18159
rape, sexual battery, gross sexual imposition, aggravated arson, 18160
aggravated robbery, or aggravated burglary. Continued practice 18161
after the suspension shall be considered practicing without a 18162
certificate. 18163

The board shall notify the individual subject to the 18164
suspension by certified mail or in person in accordance with 18165
section 119.07 of the Revised Code. If an individual whose 18166
certificate is suspended under this division fails to make a 18167
timely request for an adjudication under Chapter 119. of the 18168
Revised Code, the board shall enter a final order permanently 18169
revoking the individual's certificate to practice. 18170

(J) In any instance in which the board is required by Chapter 18171
119. of the Revised Code to give notice of opportunity for hearing 18172
and the individual subject to the notice does not timely request a 18173
hearing in accordance with section 119.07 of the Revised Code, the 18174
board is not required to hold a hearing, but may adopt, by an 18175
affirmative vote of not fewer than six of its members, a final 18176
order that contains the board's findings. In that final order, the 18177
board may order any of the sanctions identified under division (A) 18178
or (B) of this section. 18179

(K) Any action taken by the board under division (B) of this 18180
section resulting in a suspension shall be accompanied by a 18181
written statement of the conditions under which the physician 18182
assistant's certificate may be reinstated. The board shall adopt 18183
rules in accordance with Chapter 119. of the Revised Code 18184
governing conditions to be imposed for reinstatement. 18185
Reinstatement of a certificate suspended pursuant to division (B) 18186
of this section requires an affirmative vote of not fewer than six 18187

members of the board. 18188

(L) When the board refuses to grant to an applicant a 18189
certificate to practice as a physician assistant or a certificate 18190
to prescribe, revokes an individual's certificate, refuses to 18191
issue a certificate, or refuses to reinstate an individual's 18192
certificate, the board may specify that its action is permanent. 18193
An individual subject to a permanent action taken by the board is 18194
forever thereafter ineligible to hold the certificate and the 18195
board shall not accept an application for reinstatement of the 18196
certificate or for issuance of a new certificate. 18197

(M) Notwithstanding any other provision of the Revised Code, 18198
all of the following apply: 18199

(1) The surrender of a certificate issued under this chapter 18200
is not effective unless or until accepted by the board. 18201
Reinstatement of a certificate surrendered to the board requires 18202
an affirmative vote of not fewer than six members of the board. 18203

(2) An application made under this chapter for a certificate, 18204
approval of a physician supervisory plan, or approval of a 18205
supervision agreement may not be withdrawn without approval of the 18206
board. 18207

(3) Failure by an individual to renew a certificate in 18208
accordance with section 4730.14 or section 4730.48 of the Revised 18209
Code shall not remove or limit the board's jurisdiction to take 18210
disciplinary action under this section against the individual. 18211

Sec. 4730.48. (A)(1) Except in the case of a provisional 18212
certificate to prescribe, a physician assistant's certificate to 18213
prescribe expires on the same date as the physician assistant's 18214
certificate to practice as a physician assistant, as provided in 18215
section 4730.14 of the Revised Code. The certificate to prescribe 18216
may be renewed in accordance with this section. 18217

(2) A person seeking to renew a certificate to prescribe 18218
shall, on or before the thirty-first day of January of each 18219
even-numbered year, apply for renewal of the certificate. The 18220
state medical board shall send renewal notices at least one month 18221
prior to the expiration date. The notice may be sent as part of 18222
the notice sent for renewal of the certificate to practice. 18223

(3) Applications for renewal shall be submitted to the board 18224
on forms the board shall prescribe and furnish. An application for 18225
renewal of a certificate to prescribe may be submitted in 18226
conjunction with an application for renewal of a certificate to 18227
practice. 18228

(4)(a) Except as provided in division (A)(4)(b) of this 18229
section, in the case of an applicant who prescribes opioid 18230
analgesics or benzodiazepines, the applicant shall certify to the 18231
board whether the applicant has been granted access to the drug 18232
database established and maintained by the state board of pharmacy 18233
pursuant to section 4729.75 of the Revised Code. 18234

(b) The requirement in division (A)(4)(a) of this section 18235
does not apply if either of the following is the case: 18236

(i) The state board of pharmacy notifies the state medical 18237
board pursuant to section 4729.861 of the Revised Code that the 18238
applicant has been restricted from obtaining further information 18239
from the drug database. 18240

(ii) The state board of pharmacy no longer maintains the drug 18241
database. 18242

(c) If an applicant certifies to the state medical board that 18243
the applicant has been granted access to the drug database and the 18244
board finds through an audit or other means that the applicant has 18245
not been granted access, the board may take action under section 18246
4730.25 of the Revised Code. 18247

(5) Each application for renewal of a certificate to 18248

prescribe shall be accompanied by a biennial renewal fee of fifty 18249
dollars. The board shall deposit the fees in accordance with 18250
section 4731.24 of the Revised Code. 18251

(6) The applicant shall report any criminal offense that 18252
constitutes grounds under section 4730.25 of the Revised Code for 18253
refusing to issue a certificate to prescribe to which the 18254
applicant has pleaded guilty, of which the applicant has been 18255
found guilty, or for which the applicant has been found eligible 18256
for intervention in lieu of conviction, since last signing an 18257
application for a certificate to prescribe. 18258

(B) The board shall review all renewal applications received. 18259
If an applicant submits a complete renewal application and meets 18260
the requirements for renewal specified in section 4730.49 of the 18261
Revised Code, the board shall issue to the applicant a renewed 18262
certificate to prescribe. 18263

Sec. 4730.53. (A) As used in this section, "drug database" 18264
means the database established and maintained by the state board 18265
of pharmacy pursuant to section 4729.75 of the Revised Code. 18266

(B) The Except as provided in divisions (C) and (E) of this 18267
section, a physician assistant holding a certificate to prescribe 18268
issued under this chapter shall comply with all of the following 18269
as conditions of prescribing a drug that is either an opioid 18270
analgesic or a benzodiazepine as part of a patient's course of 18271
treatment for a particular condition: 18272

(1) Before initially prescribing the drug, the physician 18273
assistant or the physician assistant's delegate shall request from 18274
the drug database a report of information related to the patient 18275
that covers at least the twelve months immediately preceding the 18276
date of the request. If the physician assistant practices 18277
primarily in a county of this state that adjoins another state, 18278
the physician assistant or delegate also shall request a report of 18279

any information available in the drug database that pertains to 18280
prescriptions issued or drugs furnished to the patient in the 18281
state adjoining that county. 18282

(2) If the patient's course of treatment for the condition 18283
continues for more than ninety days after the initial report is 18284
requested, the physician assistant or delegate shall make periodic 18285
requests for reports of information from the drug database until 18286
the course of treatment has ended. The requests shall be made at 18287
intervals not exceeding ninety days, determined according to the 18288
date the initial request was made. The request shall be made in 18289
the same manner provided in division (B)(1) of this section for 18290
requesting the initial report of information from the drug 18291
database. 18292

(3) On receipt of a report under division (B)(1) or (2) of 18293
this section, the physician assistant shall assess the information 18294
in the report. The physician assistant shall document in the 18295
patient's record that the report was received and the information 18296
was assessed. 18297

(C) Division (B) of this section does not apply in any of the 18298
following circumstances: 18299

(1) A drug database report regarding the patient is not 18300
available, in which case the physician assistant shall document in 18301
the patient's record the reason that the report is not available. 18302

(2) The drug is prescribed in an amount indicated for a 18303
period not to exceed seven days. 18304

(3) The drug is prescribed for the treatment of cancer or 18305
another condition associated with cancer. 18306

(4) The drug is prescribed to a hospice patient in a hospice 18307
care program, as those terms are defined in section 3712.01 of the 18308
Revised Code, or any other patient diagnosed as terminally ill. 18309

(5) The drug is prescribed for administration in a hospital, 18310
nursing home, or residential care facility. 18311

(D) With respect to prescribing any drug that is not an 18312
opioid analgesic or a benzodiazepine but is included in the drug 18313
database pursuant to rules adopted under section 4729.84 of the 18314
Revised Code, the state medical board shall adopt rules in 18315
accordance with Chapter 119. of the Revised Code that establish 18316
standards and procedures to be followed by a physician assistant 18317
who holds a certificate to prescribe issued under this chapter 18318
regarding the review of patient information available through the 18319
drug database under division (A)(5) of section 4729.80 of the 18320
Revised Code. The rules shall be adopted in accordance with 18321
Chapter 119. of the Revised Code. 18322

~~(C)~~(E) This section and the rules adopted under it do not 18323
apply if the state board of pharmacy no longer maintains the drug 18324
database. 18325

Sec. 4731.055. (A) As used in this section: 18326

(1) "Drug database" means the database established and 18327
maintained by the state board of pharmacy pursuant to section 18328
4729.75 of the Revised Code. 18329

(2) "Physician" means an individual authorized under this 18330
chapter to practice medicine and surgery, osteopathic medicine and 18331
surgery, or podiatric medicine and surgery. 18332

(B) The Except as provided in divisions (C) and (E) of this 18333
section, a physician shall comply with all of the following as 18334
conditions of prescribing a drug that is either an opioid 18335
analgesic or a benzodiazepine, or personally furnishing a complete 18336
or partial supply of such a drug, as part of a patient's course of 18337
treatment for a particular condition: 18338

(1) Before initially prescribing or furnishing the drug, the 18339

physician or the physician's delegate shall request from the drug database a report of information related to the patient that covers at least the twelve months immediately preceding the date of the request. If the physician practices primarily in a county of this state that adjoins another state, the physician or delegate also shall request a report of any information available in the drug database that pertains to prescriptions issued or drugs furnished to the patient in the state adjoining that county.

(2) If the patient's course of treatment for the condition continues for more than ninety days after the initial report is requested, the physician or delegate shall make periodic requests for reports of information from the drug database until the course of treatment has ended. The requests shall be made at intervals not exceeding ninety days, determined according to the date the initial request was made. The request shall be made in the same manner provided in division (B)(1) of this section for requesting the initial report of information from the drug database.

(3) On receipt of a report under division (B)(1) or (2) of this section, the physician shall assess the information in the report. The physician shall document in the patient's record that the report was received and the information was assessed.

(C) Division (B) of this section does not apply in any of the following circumstances:

(1) A drug database report regarding the patient is not available, in which case the physician shall document in the patient's record the reason that the report is not available.

(2) The drug is prescribed or personally furnished in an amount indicated for a period not to exceed seven days.

(3) The drug is prescribed or personally furnished for the treatment of cancer or another condition associated with cancer.

(4) The drug is prescribed or personally furnished to a

hospice patient in a hospice care program, as those terms are 18371
defined in section 3712.01 of the Revised Code, or any other 18372
patient diagnosed as terminally ill. 18373

(5) The drug is prescribed or personally furnished for 18374
administration in a hospital, nursing home, or residential care 18375
facility. 18376

(6) The drug is prescribed or personally furnished to treat 18377
acute pain resulting from a surgical or other invasive procedure 18378
or a delivery. 18379

(D) With respect to prescribing or personally furnishing any 18380
drug that is not an opioid analgesic or a benzodiazepine but is 18381
included in the drug database pursuant to rules adopted under 18382
section 4729.84 of the Revised Code, the state medical board shall 18383
adopt rules in accordance with Chapter 119. of the Revised Code 18384
that establish standards and procedures to be followed by a 18385
physician regarding the review of patient information available 18386
through the drug database under division (A)(5) of section 4729.80 18387
of the Revised Code. The rules shall be adopted in accordance with 18388
Chapter 119. of the Revised Code. 18389

~~(C)~~(E) This section and the rules adopted under it do not 18390
apply if the state board of pharmacy no longer maintains the drug 18391
database. 18392

Sec. 4731.15. (A)(1) The state medical board also shall 18393
regulate the following limited branches of medicine: massage 18394
therapy and cosmetic therapy, and to the extent specified in 18395
section 4731.151 of the Revised Code, naprapathy and 18396
mechanotherapy. The board shall adopt rules governing the limited 18397
branches of medicine under its jurisdiction. The rules shall be 18398
adopted in accordance with Chapter 119. of the Revised Code. 18399

(2) As used in this chapter, ~~"cosmetic;~~ 18400

(a) "Cosmetic therapy" means the permanent removal of hair from the human body through the use of electric modalities approved by the board for use in cosmetic therapy, and additionally may include the systematic friction, stroking, slapping, and kneading or tapping of the face, neck, scalp, or shoulders.

(b) "Massage therapy" means the treatment of disorders of the human body by the manipulation of soft tissue through the systematic external application of massage techniques including touch, stroking, friction, vibration, percussion, kneading, stretching, compression, and joint movements within the normal physiologic range of motion; and adjunctive thereto, the external application of water, heat, cold, topical preparations, and mechanical devices.

(B) A certificate to practice a limited branch of medicine issued by the state medical board is valid for a two-year period, except when an initial certificate is issued for a shorter period or when division (C)(2) of this section is applicable. The certificate may be renewed in accordance with division (C) of this section.

(C)(1) Except as provided in division (C)(2) of this section, all of the following apply with respect to the renewal of certificates to practice a limited branch of medicine:

(a) Each person seeking to renew a certificate to practice a limited branch of medicine shall apply for biennial registration with the state medical board on a renewal application form prescribed by the board. An applicant for renewal shall pay a biennial registration fee of one hundred dollars.

(b) At least six months before a certificate expires, the board shall mail or cause to be mailed a renewal notice to the certificate holder's last known address.

(c) At least three months before a certificate expires, the certificate holder shall submit the renewal application and biennial registration fee to the board.

(2) Beginning with the 2009 registration period, the board shall implement a staggered renewal system that is substantially similar to the staggered renewal system the board uses under division (B) of section 4731.281 of the Revised Code.

(D) All persons who hold a certificate to practice a limited branch of medicine issued by the state medical board shall provide the board written notice of any change of address. The notice shall be submitted to the board not later than thirty days after the change of address.

(E) A certificate to practice a limited branch of medicine shall be automatically suspended if the certificate holder fails to renew the certificate in accordance with division (C) of this section. Continued practice after the suspension of the certificate to practice shall be considered as practicing in violation of sections 4731.34 and 4731.41 of the Revised Code.

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

If a certificate has been suspended pursuant to this division

for more than two years, it may be restored. Subject to section 18463
4731.222 of the Revised Code, the board may restore the 18464
certificate upon an applicant's submission of a restoration 18465
application, the biennial registration fee, and the applicable 18466
monetary penalty and compliance with sections 4776.01 to 4776.04 18467
of the Revised Code. The board shall not restore to an applicant a 18468
certificate to practice unless the board, in its discretion, 18469
decides that the results of the criminal records check do not make 18470
the applicant ineligible for a certificate issued pursuant to 18471
section 4731.17 of the Revised Code. The penalty for restoration 18472
is fifty dollars. 18473

~~Sec. 4731.155. (A) Except as provided in division (D) of this 18474
section, each person holding a certificate to practice cosmetic 18475
therapy shall complete biennially not less than twenty five hours 18476
of continuing cosmetic therapy education. 18477~~

~~Cosmetic therapists shall earn continuing education credits 18478
at the rate of one half credit hour for each twenty five to thirty 18479
minutes of instruction and one credit hour for each fifty to sixty 18480
minutes of instruction. 18481~~

~~(B) Only continuing education approved by the state medical 18482
board may be used to fulfill the requirements of division (A) of 18483
this section. 18484~~

~~(C) Each certified cosmetic therapist shall submit to the 18485
board at the time of biennial renewal pursuant to section 4731.15 18486
of the Revised Code a sworn affidavit, in a form acceptable to the 18487
board, attesting that the cosmetic therapist has completed 18488
continuing education programs in compliance with this section and 18489
listing the date, location, sponsor, subject matter, and hours 18490
completed of the programs. 18491~~

~~(D) The state medical board shall may adopt rules providing 18492
for pro rata adjustments by month of the hours of that establish 18493~~

~~continuing education required by this section for persons who 18494
first receive a certificate during a registration period or who 18495
have a registration period that is shorter or longer than two 18496
years because of the implementation of a staggered renewal system 18497
under section 4731.15 of the Revised Code. 18498~~

~~The board may excuse a cosmetic therapist from all or any 18499
part of the requirements of this section because of an unusual 18500
circumstance, emergency, or special hardship. 18501~~

~~(E) Failure to comply with the requirements of this section 18502
constitutes a failure to renew pursuant to section 4731.15 of the 18503
Revised Code requirements for renewal under section 4731.15 of the 18504
Revised Code of a certificate to practice a limited branch of 18505
medicine. The rules shall be adopted in accordance with Chapter 18506
119. of the Revised Code. 18507~~

Sec. 4731.22. (A) The state medical board, by an affirmative 18508
vote of not fewer than six of its members, may limit, revoke, or 18509
suspend an individual's certificate to practice, refuse to grant a 18510
certificate to an individual, refuse to register an individual, 18511
refuse to reinstate a certificate, or reprimand or place on 18512
probation the holder of a certificate if the individual or 18513
certificate holder is found by the board to have committed fraud 18514
during the administration of the examination for a certificate to 18515
practice or to have committed fraud, misrepresentation, or 18516
deception in applying for or securing any certificate to practice 18517
or certificate of registration issued by the board. 18518

(B) The board, by an affirmative vote of not fewer than six 18519
members, shall, to the extent permitted by law, limit, revoke, or 18520
suspend an individual's certificate to practice, refuse to 18521
register an individual, refuse to reinstate a certificate, or 18522
reprimand or place on probation the holder of a certificate for 18523
one or more of the following reasons: 18524

(1) Permitting one's name or one's certificate to practice or certificate of registration to be used by a person, group, or corporation when the individual concerned is not actually directing the treatment given;

(2) Failure to maintain minimal standards applicable to the selection or administration of drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease;

(3) Selling, giving away, personally furnishing, prescribing, or administering drugs for other than legal and legitimate therapeutic purposes or a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction of, a violation of any federal or state law regulating the possession, distribution, or use of any drug;

(4) Willfully betraying a professional confidence.

For purposes of this division, "willfully betraying a professional confidence" does not include providing any information, documents, or reports to a child fatality review board under sections 307.621 to 307.629 of the Revised Code and does not include the making of a report of an employee's use of a drug of abuse, or a report of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by that section upon a physician who makes either type of report in accordance with division (B) of that section. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.

(5) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in

relation to the practice of medicine and surgery, osteopathic 18556
medicine and surgery, podiatric medicine and surgery, or a limited 18557
branch of medicine; or in securing or attempting to secure any 18558
certificate to practice or certificate of registration issued by 18559
the board. 18560

As used in this division, "false, fraudulent, deceptive, or 18561
misleading statement" means a statement that includes a 18562
misrepresentation of fact, is likely to mislead or deceive because 18563
of a failure to disclose material facts, is intended or is likely 18564
to create false or unjustified expectations of favorable results, 18565
or includes representations or implications that in reasonable 18566
probability will cause an ordinarily prudent person to 18567
misunderstand or be deceived. 18568

(6) A departure from, or the failure to conform to, minimal 18569
standards of care of similar practitioners under the same or 18570
similar circumstances, whether or not actual injury to a patient 18571
is established; 18572

(7) Representing, with the purpose of obtaining compensation 18573
or other advantage as personal gain or for any other person, that 18574
an incurable disease or injury, or other incurable condition, can 18575
be permanently cured; 18576

(8) The obtaining of, or attempting to obtain, money or 18577
anything of value by fraudulent misrepresentations in the course 18578
of practice; 18579

(9) A plea of guilty to, a judicial finding of guilt of, or a 18580
judicial finding of eligibility for intervention in lieu of 18581
conviction for, a felony; 18582

(10) Commission of an act that constitutes a felony in this 18583
state, regardless of the jurisdiction in which the act was 18584
committed; 18585

(11) A plea of guilty to, a judicial finding of guilt of, or 18586

a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice; 18587
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(12) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 18589
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(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude; 18592
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(14) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 18595
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(15) Violation of the conditions of limitation placed by the board upon a certificate to practice; 18598
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(16) Failure to pay license renewal fees specified in this chapter; 18600
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(17) Except as authorized in section 4731.31 of the Revised Code, engaging in the division of fees for referral of patients, or the receiving of a thing of value in return for a specific referral of a patient to utilize a particular service or business; 18602
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(18) Subject to section 4731.226 of the Revised Code, violation of any provision of a code of ethics of the American medical association, the American osteopathic association, the American podiatric medical association, or any other national professional organizations that the board specifies by rule. The state medical board shall obtain and keep on file current copies of the codes of ethics of the various national professional organizations. The individual whose certificate is being suspended or revoked shall not be found to have violated any provision of a code of ethics of an organization not appropriate to the individual's profession. 18606
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For purposes of this division, a "provision of a code of ethics of a national professional organization" does not include any provision that would preclude the making of a report by a physician of an employee's use of a drug of abuse, or of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by that section upon a physician who makes either type of report in accordance with division (B) of that section. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.

(19) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills.

In enforcing this division, the board, upon a showing of a possible violation, may compel any individual authorized to practice by this chapter or who has submitted an application pursuant to this chapter to submit to a mental examination, physical examination, including an HIV test, or both a mental and a physical examination. The expense of the examination is the responsibility of the individual compelled to be examined. Failure to submit to a mental or physical examination or consent to an HIV test ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board finds an individual unable to practice because of the reasons set forth in this division, the board shall require the individual to submit to care, counseling,

or treatment by physicians approved or designated by the board, as 18649
a condition for initial, continued, reinstated, or renewed 18650
authority to practice. An individual affected under this division 18651
shall be afforded an opportunity to demonstrate to the board the 18652
ability to resume practice in compliance with acceptable and 18653
prevailing standards under the provisions of the individual's 18654
certificate. For the purpose of this division, any individual who 18655
applies for or receives a certificate to practice under this 18656
chapter accepts the privilege of practicing in this state and, by 18657
so doing, shall be deemed to have given consent to submit to a 18658
mental or physical examination when directed to do so in writing 18659
by the board, and to have waived all objections to the 18660
admissibility of testimony or examination reports that constitute 18661
a privileged communication. 18662

(20) Except when civil penalties are imposed under section 18663
4731.225 or 4731.281 of the Revised Code, and subject to section 18664
4731.226 of the Revised Code, violating or attempting to violate, 18665
directly or indirectly, or assisting in or abetting the violation 18666
of, or conspiring to violate, any provisions of this chapter or 18667
any rule promulgated by the board. 18668

This division does not apply to a violation or attempted 18669
violation of, assisting in or abetting the violation of, or a 18670
conspiracy to violate, any provision of this chapter or any rule 18671
adopted by the board that would preclude the making of a report by 18672
a physician of an employee's use of a drug of abuse, or of a 18673
condition of an employee other than one involving the use of a 18674
drug of abuse, to the employer of the employee as described in 18675
division (B) of section 2305.33 of the Revised Code. Nothing in 18676
this division affects the immunity from civil liability conferred 18677
by that section upon a physician who makes either type of report 18678
in accordance with division (B) of that section. As used in this 18679
division, "employee," "employer," and "physician" have the same 18680

meanings as in section 2305.33 of the Revised Code. 18681

(21) The violation of section 3701.79 of the Revised Code or 18682
of any abortion rule adopted by the public health council pursuant 18683
to section 3701.341 of the Revised Code; 18684

(22) Any of the following actions taken by an agency 18685
responsible for authorizing, certifying, or regulating an 18686
individual to practice a health care occupation or provide health 18687
care services in this state or another jurisdiction, for any 18688
reason other than the nonpayment of fees: the limitation, 18689
revocation, or suspension of an individual's license to practice; 18690
acceptance of an individual's license surrender; denial of a 18691
license; refusal to renew or reinstate a license; imposition of 18692
probation; or issuance of an order of censure or other reprimand; 18693

(23) The violation of section 2919.12 of the Revised Code or 18694
the performance or inducement of an abortion upon a pregnant woman 18695
with actual knowledge that the conditions specified in division 18696
(B) of section 2317.56 of the Revised Code have not been satisfied 18697
or with a heedless indifference as to whether those conditions 18698
have been satisfied, unless an affirmative defense as specified in 18699
division (H)(2) of that section would apply in a civil action 18700
authorized by division (H)(1) of that section; 18701

(24) The revocation, suspension, restriction, reduction, or 18702
termination of clinical privileges by the United States department 18703
of defense or department of veterans affairs or the termination or 18704
suspension of a certificate of registration to prescribe drugs by 18705
the drug enforcement administration of the United States 18706
department of justice; 18707

(25) Termination or suspension from participation in the 18708
medicare or medicaid programs by the department of health and 18709
human services or other responsible agency for any act or acts 18710
that also would constitute a violation of division (B)(2), (3), 18711

(6), (8), or (19) of this section; 18712

(26) Impairment of ability to practice according to 18713
acceptable and prevailing standards of care because of habitual or 18714
excessive use or abuse of drugs, alcohol, or other substances that 18715
impair ability to practice. 18716

For the purposes of this division, any individual authorized 18717
to practice by this chapter accepts the privilege of practicing in 18718
this state subject to supervision by the board. By filing an 18719
application for or holding a certificate to practice under this 18720
chapter, an individual shall be deemed to have given consent to 18721
submit to a mental or physical examination when ordered to do so 18722
by the board in writing, and to have waived all objections to the 18723
admissibility of testimony or examination reports that constitute 18724
privileged communications. 18725

If it has reason to believe that any individual authorized to 18726
practice by this chapter or any applicant for certification to 18727
practice suffers such impairment, the board may compel the 18728
individual to submit to a mental or physical examination, or both. 18729
The expense of the examination is the responsibility of the 18730
individual compelled to be examined. Any mental or physical 18731
examination required under this division shall be undertaken by a 18732
treatment provider or physician who is qualified to conduct the 18733
examination and who is chosen by the board. 18734

Failure to submit to a mental or physical examination ordered 18735
by the board constitutes an admission of the allegations against 18736
the individual unless the failure is due to circumstances beyond 18737
the individual's control, and a default and final order may be 18738
entered without the taking of testimony or presentation of 18739
evidence. If the board determines that the individual's ability to 18740
practice is impaired, the board shall suspend the individual's 18741
certificate or deny the individual's application and shall require 18742
the individual, as a condition for initial, continued, reinstated, 18743

or renewed certification to practice, to submit to treatment. 18744

Before being eligible to apply for reinstatement of a 18745
certificate suspended under this division, the impaired 18746
practitioner shall demonstrate to the board the ability to resume 18747
practice in compliance with acceptable and prevailing standards of 18748
care under the provisions of the practitioner's certificate. The 18749
demonstration shall include, but shall not be limited to, the 18750
following: 18751

(a) Certification from a treatment provider approved under 18752
section 4731.25 of the Revised Code that the individual has 18753
successfully completed any required inpatient treatment; 18754

(b) Evidence of continuing full compliance with an aftercare 18755
contract or consent agreement; 18756

(c) Two written reports indicating that the individual's 18757
ability to practice has been assessed and that the individual has 18758
been found capable of practicing according to acceptable and 18759
prevailing standards of care. The reports shall be made by 18760
individuals or providers approved by the board for making the 18761
assessments and shall describe the basis for their determination. 18762

The board may reinstate a certificate suspended under this 18763
division after that demonstration and after the individual has 18764
entered into a written consent agreement. 18765

When the impaired practitioner resumes practice, the board 18766
shall require continued monitoring of the individual. The 18767
monitoring shall include, but not be limited to, compliance with 18768
the written consent agreement entered into before reinstatement or 18769
with conditions imposed by board order after a hearing, and, upon 18770
termination of the consent agreement, submission to the board for 18771
at least two years of annual written progress reports made under 18772
penalty of perjury stating whether the individual has maintained 18773
sobriety. 18774

(27) A second or subsequent violation of section 4731.66 or 4731.69 of the Revised Code;	18775 18776
(28) Except as provided in division (N) of this section:	18777
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that individual;	18778 18779 18780 18781 18782 18783
(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay.	18784 18785 18786 18787 18788
(29) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;	18789 18790 18791
(30) Failure to provide notice to, and receive acknowledgment of the notice from, a patient when required by section 4731.143 of the Revised Code prior to providing nonemergency professional services, or failure to maintain that notice in the patient's file;	18792 18793 18794 18795 18796
(31) Failure of a physician supervising a physician assistant to maintain supervision in accordance with the requirements of Chapter 4730. of the Revised Code and the rules adopted under that chapter;	18797 18798 18799 18800
(32) Failure of a physician or podiatrist to enter into a standard care arrangement with a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner with whom the physician or podiatrist is in collaboration pursuant to section 4731.27 of the Revised Code or failure to fulfill the	18801 18802 18803 18804 18805

responsibilities of collaboration after entering into a standard care arrangement;	18806 18807
(33) Failure to comply with the terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code;	18808 18809 18810
(34) Failure to cooperate in an investigation conducted by the board under division (F) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;	18811 18812 18813 18814 18815 18816 18817 18818 18819 18820
(35) Failure to supervise an oriental medicine practitioner or acupuncturist in accordance with Chapter 4762. of the Revised Code and the board's rules for providing that supervision;	18821 18822 18823
(36) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant;	18824 18825 18826
(37) Assisting suicide as defined in section 3795.01 of the Revised Code;	18827 18828
(38) Failure to comply with the requirements of section 2317.561 of the Revised Code;	18829 18830
(39) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants;	18831 18832 18833
(40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post	18834 18835

the notice required under section 3701.791 of the Revised Code;	18836
(41) Failure to comply with the standards and procedures	18837
established in rules under section 4731.054 of the Revised Code	18838
for the operation of or the provision of care at a pain management	18839
clinic;	18840
(42) Failure to comply with the standards and procedures	18841
established in rules under section 4731.054 of the Revised Code	18842
for providing supervision, direction, and control of individuals	18843
at a pain management clinic;	18844
(43) Failure to comply with the requirements of section	18845
4729.79 <u>or 4731.055</u> of the Revised Code, unless the state board of	18846
pharmacy no longer maintains a drug database pursuant to section	18847
4729.75 of the Revised Code;	18848
(44) Failure to comply with the requirements of section	18849
2919.171 of the Revised Code or failure to submit to the	18850
department of health in accordance with a court order a complete	18851
report as described in section 2919.171 of the Revised Code;	18852
(45) Practicing at a facility that is subject to licensure as	18853
a category III terminal distributor of dangerous drugs with a pain	18854
management clinic classification unless the person operating the	18855
facility has obtained and maintains the license with the	18856
classification;	18857
(46) Owning a facility that is subject to licensure as a	18858
category III terminal distributor of dangerous drugs with a pain	18859
management clinic classification unless the facility is licensed	18860
with the classification;	18861
(47) Failure to comply with the requirement regarding	18862
maintaining notes described in division (B) of section 2919.191 of	18863
the Revised Code or failure to satisfy the requirements of section	18864
2919.191 of the Revised Code prior to performing or inducing an	18865
abortion upon a pregnant woman.	18866

(C) Disciplinary actions taken by the board under divisions 18867
(A) and (B) of this section shall be taken pursuant to an 18868
adjudication under Chapter 119. of the Revised Code, except that 18869
in lieu of an adjudication, the board may enter into a consent 18870
agreement with an individual to resolve an allegation of a 18871
violation of this chapter or any rule adopted under it. A consent 18872
agreement, when ratified by an affirmative vote of not fewer than 18873
six members of the board, shall constitute the findings and order 18874
of the board with respect to the matter addressed in the 18875
agreement. If the board refuses to ratify a consent agreement, the 18876
admissions and findings contained in the consent agreement shall 18877
be of no force or effect. 18878

A telephone conference call may be utilized for ratification 18879
of a consent agreement that revokes or suspends an individual's 18880
certificate to practice. The telephone conference call shall be 18881
considered a special meeting under division (F) of section 121.22 18882
of the Revised Code. 18883

If the board takes disciplinary action against an individual 18884
under division (B) of this section for a second or subsequent plea 18885
of guilty to, or judicial finding of guilt of, a violation of 18886
section 2919.123 of the Revised Code, the disciplinary action 18887
shall consist of a suspension of the individual's certificate to 18888
practice for a period of at least one year or, if determined 18889
appropriate by the board, a more serious sanction involving the 18890
individual's certificate to practice. Any consent agreement 18891
entered into under this division with an individual that pertains 18892
to a second or subsequent plea of guilty to, or judicial finding 18893
of guilt of, a violation of that section shall provide for a 18894
suspension of the individual's certificate to practice for a 18895
period of at least one year or, if determined appropriate by the 18896
board, a more serious sanction involving the individual's 18897
certificate to practice. 18898

(D) For purposes of divisions (B)(10), (12), and (14) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the individual committed the act. The board does not have jurisdiction under those divisions if the trial court renders a final judgment in the individual's favor and that judgment is based upon an adjudication on the merits. The board has jurisdiction under those divisions if the trial court issues an order of dismissal upon technical or procedural grounds.

(E) The sealing of conviction records by any court shall have no effect upon a prior board order entered under this section or upon the board's jurisdiction to take action under this section if, based upon a plea of guilty, a judicial finding of guilt, or a judicial finding of eligibility for intervention in lieu of conviction, the board issued a notice of opportunity for a hearing prior to the court's order to seal the records. The board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing of conviction records.

(F)(1) The board shall investigate evidence that appears to show that a person has violated any provision of this chapter or any rule adopted under it. Any person may report to the board in a signed writing any information that the person may have that appears to show a violation of any provision of this chapter or any rule adopted under it. In the absence of bad faith, any person who reports information of that nature or who testifies before the board in any adjudication conducted under Chapter 119. of the Revised Code shall not be liable in damages in a civil action as a result of the report or testimony. Each complaint or allegation of a violation received by the board shall be assigned a case number and shall be recorded by the board.

(2) Investigations of alleged violations of this chapter or any rule adopted under it shall be supervised by the supervising

member elected by the board in accordance with section 4731.02 of 18931
the Revised Code and by the secretary as provided in section 18932
4731.39 of the Revised Code. The president may designate another 18933
member of the board to supervise the investigation in place of the 18934
supervising member. No member of the board who supervises the 18935
investigation of a case shall participate in further adjudication 18936
of the case. 18937

(3) In investigating a possible violation of this chapter or 18938
any rule adopted under this chapter, or in conducting an 18939
inspection under division (E) of section 4731.054 of the Revised 18940
Code, the board may question witnesses, conduct interviews, 18941
administer oaths, order the taking of depositions, inspect and 18942
copy any books, accounts, papers, records, or documents, issue 18943
subpoenas, and compel the attendance of witnesses and production 18944
of books, accounts, papers, records, documents, and testimony, 18945
except that a subpoena for patient record information shall not be 18946
issued without consultation with the attorney general's office and 18947
approval of the secretary and supervising member of the board. 18948

(a) Before issuance of a subpoena for patient record 18949
information, the secretary and supervising member shall determine 18950
whether there is probable cause to believe that the complaint 18951
filed alleges a violation of this chapter or any rule adopted 18952
under it and that the records sought are relevant to the alleged 18953
violation and material to the investigation. The subpoena may 18954
apply only to records that cover a reasonable period of time 18955
surrounding the alleged violation. 18956

(b) On failure to comply with any subpoena issued by the 18957
board and after reasonable notice to the person being subpoenaed, 18958
the board may move for an order compelling the production of 18959
persons or records pursuant to the Rules of Civil Procedure. 18960

(c) A subpoena issued by the board may be served by a 18961
sheriff, the sheriff's deputy, or a board employee designated by 18962

the board. Service of a subpoena issued by the board may be made 18963
by delivering a copy of the subpoena to the person named therein, 18964
reading it to the person, or leaving it at the person's usual 18965
place of residence, usual place of business, or address on file 18966
with the board. When serving a subpoena to an applicant for or the 18967
holder of a certificate issued under this chapter, service of the 18968
subpoena may be made by certified mail, return receipt requested, 18969
and the subpoena shall be deemed served on the date delivery is 18970
made or the date the person refuses to accept delivery. If the 18971
person being served refuses to accept the subpoena or is not 18972
located, service may be made to an attorney who notifies the board 18973
that the attorney is representing the person. 18974

(d) A sheriff's deputy who serves a subpoena shall receive 18975
the same fees as a sheriff. Each witness who appears before the 18976
board in obedience to a subpoena shall receive the fees and 18977
mileage provided for under section 119.094 of the Revised Code. 18978

(4) All hearings, investigations, and inspections of the 18979
board shall be considered civil actions for the purposes of 18980
section 2305.252 of the Revised Code. 18981

(5) A report required to be submitted to the board under this 18982
chapter, a complaint, or information received by the board 18983
pursuant to an investigation or pursuant to an inspection under 18984
division (E) of section 4731.054 of the Revised Code is 18985
confidential and not subject to discovery in any civil action. 18986

The board shall conduct all investigations or inspections and 18987
proceedings in a manner that protects the confidentiality of 18988
patients and persons who file complaints with the board. The board 18989
shall not make public the names or any other identifying 18990
information about patients or complainants unless proper consent 18991
is given or, in the case of a patient, a waiver of the patient 18992
privilege exists under division (B) of section 2317.02 of the 18993
Revised Code, except that consent or a waiver of that nature is 18994

not required if the board possesses reliable and substantial 18995
evidence that no bona fide physician-patient relationship exists. 18996

The board may share any information it receives pursuant to 18997
an investigation or inspection, including patient records and 18998
patient record information, with law enforcement agencies, other 18999
licensing boards, and other governmental agencies that are 19000
prosecuting, adjudicating, or investigating alleged violations of 19001
statutes or administrative rules. An agency or board that receives 19002
the information shall comply with the same requirements regarding 19003
confidentiality as those with which the state medical board must 19004
comply, notwithstanding any conflicting provision of the Revised 19005
Code or procedure of the agency or board that applies when it is 19006
dealing with other information in its possession. In a judicial 19007
proceeding, the information may be admitted into evidence only in 19008
accordance with the Rules of Evidence, but the court shall require 19009
that appropriate measures are taken to ensure that confidentiality 19010
is maintained with respect to any part of the information that 19011
contains names or other identifying information about patients or 19012
complainants whose confidentiality was protected by the state 19013
medical board when the information was in the board's possession. 19014
Measures to ensure confidentiality that may be taken by the court 19015
include sealing its records or deleting specific information from 19016
its records. 19017

(6) On a quarterly basis, the board shall prepare a report 19018
that documents the disposition of all cases during the preceding 19019
three months. The report shall contain the following information 19020
for each case with which the board has completed its activities: 19021

(a) The case number assigned to the complaint or alleged 19022
violation; 19023

(b) The type of certificate to practice, if any, held by the 19024
individual against whom the complaint is directed; 19025

(c) A description of the allegations contained in the 19026
complaint; 19027

(d) The disposition of the case. 19028

The report shall state how many cases are still pending and 19029
shall be prepared in a manner that protects the identity of each 19030
person involved in each case. The report shall be a public record 19031
under section 149.43 of the Revised Code. 19032

(G) If the secretary and supervising member determine both of 19033
the following, they may recommend that the board suspend an 19034
individual's certificate to practice without a prior hearing: 19035

(1) That there is clear and convincing evidence that an 19036
individual has violated division (B) of this section; 19037

(2) That the individual's continued practice presents a 19038
danger of immediate and serious harm to the public. 19039

Written allegations shall be prepared for consideration by 19040
the board. The board, upon review of those allegations and by an 19041
affirmative vote of not fewer than six of its members, excluding 19042
the secretary and supervising member, may suspend a certificate 19043
without a prior hearing. A telephone conference call may be 19044
utilized for reviewing the allegations and taking the vote on the 19045
summary suspension. 19046

The board shall issue a written order of suspension by 19047
certified mail or in person in accordance with section 119.07 of 19048
the Revised Code. The order shall not be subject to suspension by 19049
the court during pendency of any appeal filed under section 119.12 19050
of the Revised Code. If the individual subject to the summary 19051
suspension requests an adjudicatory hearing by the board, the date 19052
set for the hearing shall be within fifteen days, but not earlier 19053
than seven days, after the individual requests the hearing, unless 19054
otherwise agreed to by both the board and the individual. 19055

Any summary suspension imposed under this division shall 19056
remain in effect, unless reversed on appeal, until a final 19057
adjudicative order issued by the board pursuant to this section 19058
and Chapter 119. of the Revised Code becomes effective. The board 19059
shall issue its final adjudicative order within seventy-five days 19060
after completion of its hearing. A failure to issue the order 19061
within seventy-five days shall result in dissolution of the 19062
summary suspension order but shall not invalidate any subsequent, 19063
final adjudicative order. 19064

(H) If the board takes action under division (B)(9), (11), or 19065
(13) of this section and the judicial finding of guilt, guilty 19066
plea, or judicial finding of eligibility for intervention in lieu 19067
of conviction is overturned on appeal, upon exhaustion of the 19068
criminal appeal, a petition for reconsideration of the order may 19069
be filed with the board along with appropriate court documents. 19070
Upon receipt of a petition of that nature and supporting court 19071
documents, the board shall reinstate the individual's certificate 19072
to practice. The board may then hold an adjudication under Chapter 19073
119. of the Revised Code to determine whether the individual 19074
committed the act in question. Notice of an opportunity for a 19075
hearing shall be given in accordance with Chapter 119. of the 19076
Revised Code. If the board finds, pursuant to an adjudication held 19077
under this division, that the individual committed the act or if 19078
no hearing is requested, the board may order any of the sanctions 19079
identified under division (B) of this section. 19080

(I) The certificate to practice issued to an individual under 19081
this chapter and the individual's practice in this state are 19082
automatically suspended as of the date of the individual's second 19083
or subsequent plea of guilty to, or judicial finding of guilt of, 19084
a violation of section 2919.123 of the Revised Code, or the date 19085
the individual pleads guilty to, is found by a judge or jury to be 19086
guilty of, or is subject to a judicial finding of eligibility for 19087

intervention in lieu of conviction in this state or treatment or 19088
intervention in lieu of conviction in another jurisdiction for any 19089
of the following criminal offenses in this state or a 19090
substantially equivalent criminal offense in another jurisdiction: 19091
aggravated murder, murder, voluntary manslaughter, felonious 19092
assault, kidnapping, rape, sexual battery, gross sexual 19093
imposition, aggravated arson, aggravated robbery, or aggravated 19094
burglary. Continued practice after suspension shall be considered 19095
practicing without a certificate. 19096

The board shall notify the individual subject to the 19097
suspension by certified mail or in person in accordance with 19098
section 119.07 of the Revised Code. If an individual whose 19099
certificate is automatically suspended under this division fails 19100
to make a timely request for an adjudication under Chapter 119. of 19101
the Revised Code, the board shall do whichever of the following is 19102
applicable: 19103

(1) If the automatic suspension under this division is for a 19104
second or subsequent plea of guilty to, or judicial finding of 19105
guilt of, a violation of section 2919.123 of the Revised Code, the 19106
board shall enter an order suspending the individual's certificate 19107
to practice for a period of at least one year or, if determined 19108
appropriate by the board, imposing a more serious sanction 19109
involving the individual's certificate to practice. 19110

(2) In all circumstances in which division (I)(1) of this 19111
section does not apply, enter a final order permanently revoking 19112
the individual's certificate to practice. 19113

(J) If the board is required by Chapter 119. of the Revised 19114
Code to give notice of an opportunity for a hearing and if the 19115
individual subject to the notice does not timely request a hearing 19116
in accordance with section 119.07 of the Revised Code, the board 19117
is not required to hold a hearing, but may adopt, by an 19118
affirmative vote of not fewer than six of its members, a final 19119

order that contains the board's findings. In that final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(K) Any action taken by the board under division (B) of this section resulting in a suspension from practice shall be accompanied by a written statement of the conditions under which the individual's certificate to practice may be reinstated. The board shall adopt rules governing conditions to be imposed for reinstatement. Reinstatement of a certificate suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(L) When the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate.

(M) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a certificate issued under this chapter shall not be effective unless or until accepted by the board. A telephone conference call may be utilized for acceptance of the surrender of an individual's certificate to practice. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code. Reinstatement of a certificate surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application for a certificate made under the

provisions of this chapter may not be withdrawn without approval 19151
of the board. 19152

(3) Failure by an individual to renew a certificate of 19153
registration in accordance with this chapter shall not remove or 19154
limit the board's jurisdiction to take any disciplinary action 19155
under this section against the individual. 19156

(4) At the request of the board, a certificate holder shall 19157
immediately surrender to the board a certificate that the board 19158
has suspended, revoked, or permanently revoked. 19159

(N) Sanctions shall not be imposed under division (B)(28) of 19160
this section against any person who waives deductibles and 19161
copayments as follows: 19162

(1) In compliance with the health benefit plan that expressly 19163
allows such a practice. Waiver of the deductibles or copayments 19164
shall be made only with the full knowledge and consent of the plan 19165
purchaser, payer, and third-party administrator. Documentation of 19166
the consent shall be made available to the board upon request. 19167

(2) For professional services rendered to any other person 19168
authorized to practice pursuant to this chapter, to the extent 19169
allowed by this chapter and rules adopted by the board. 19170

(O) Under the board's investigative duties described in this 19171
section and subject to division (F) of this section, the board 19172
shall develop and implement a quality intervention program 19173
designed to improve through remedial education the clinical and 19174
communication skills of individuals authorized under this chapter 19175
to practice medicine and surgery, osteopathic medicine and 19176
surgery, and podiatric medicine and surgery. In developing and 19177
implementing the quality intervention program, the board may do 19178
all of the following: 19179

(1) Offer in appropriate cases as determined by the board an 19180
educational and assessment program pursuant to an investigation 19181

the board conducts under this section; 19182

(2) Select providers of educational and assessment services, 19183
including a quality intervention program panel of case reviewers; 19184

(3) Make referrals to educational and assessment service 19185
providers and approve individual educational programs recommended 19186
by those providers. The board shall monitor the progress of each 19187
individual undertaking a recommended individual educational 19188
program. 19189

(4) Determine what constitutes successful completion of an 19190
individual educational program and require further monitoring of 19191
the individual who completed the program or other action that the 19192
board determines to be appropriate; 19193

(5) Adopt rules in accordance with Chapter 119. of the 19194
Revised Code to further implement the quality intervention 19195
program. 19196

An individual who participates in an individual educational 19197
program pursuant to this division shall pay the financial 19198
obligations arising from that educational program. 19199

Sec. 4731.24. Except as provided in sections 4731.281 and 19200
4731.40 of the Revised Code, all receipts of the state medical 19201
board, from any source, shall be deposited in the state treasury. 19202
Until July 1, 1998, the funds shall be deposited to the credit of 19203
the occupational licensing and regulatory fund. On and after July 19204
1, 1998, the funds shall be deposited to the credit of the state 19205
medical board operating fund, which is hereby created on July 1, 19206
1998. All Except as provided in section 4731.24 of the Revised 19207
Code, all funds deposited into the state treasury under this 19208
section shall be used solely for the administration and 19209
enforcement of this chapter and Chapters 4730., 4760., 4762., 19210
4774., and 4778. of the Revised Code by the board. 19211

Sec. 4731.241. (A) The state medical board may solicit and 19212
accept grants and services from public and private sources for the 19213
purpose of developing and maintaining programs that address 19214
patient safety and education, supply and demand of health care 19215
professionals, and information sharing with the public and the 19216
individuals regulated by the board. The board shall not solicit or 19217
accept a grant or service that would interfere with the board's 19218
independence or objectivity, as determined by the board. 19219

Money received by the board under this ~~section~~ division shall 19220
be deposited into the state treasury to the credit of the medical 19221
board education and patient safety fund, which is hereby created. 19222
The money shall be used solely in accordance with this section. 19223

(B) The board may accept from the state, a political 19224
subdivision of the state, or the federal government money that 19225
results from a fine, civil penalty, or seizure or forfeiture of 19226
property. Money received by the board under this division shall be 19227
deposited in accordance with section 4731.24 of the Revised Code. 19228
The money shall be used solely to further the investigation, 19229
enforcement, and compliance activities of the board. 19230

Sec. 4731.281. (A) On or before the deadline established 19231
under division (B) of this section for applying for renewal of a 19232
certificate of registration, each person holding a certificate 19233
under this chapter to practice medicine and surgery, osteopathic 19234
medicine and surgery, or podiatric medicine and surgery shall 19235
certify to the state medical board that in the preceding two years 19236
the person has completed one hundred hours of continuing medical 19237
education. The certification shall be made upon the application 19238
for biennial registration submitted pursuant to division (B) of 19239
this section. The board shall adopt rules providing for pro rata 19240
reductions by month of the number of hours of continuing education 19241
required for persons who are in their first registration period, 19242

who have been disabled due to illness or accident, or who have
been absent from the country.

In determining whether a course, program, or activity
qualifies for credit as continuing medical education, the board
shall approve all continuing medical education taken by persons
holding a certificate to practice medicine and surgery that is
certified by the Ohio state medical association, all continuing
medical education taken by persons holding a certificate to
practice osteopathic medicine and surgery that is certified by the
Ohio osteopathic association, and all continuing medical education
taken by persons holding a certificate to practice podiatric
medicine and surgery that is certified by the Ohio podiatric
medical association. Each person holding a certificate to practice
under this chapter shall be given sufficient choice of continuing
education programs to ensure that the person has had a reasonable
opportunity to participate in continuing education programs that
are relevant to the person's medical practice in terms of subject
matter and level.

The board may require a random sample of persons holding a
certificate to practice under this chapter to submit materials
documenting completion of the continuing medical education
requirement during the preceding registration period, but this
provision shall not limit the board's authority to investigate
pursuant to section 4731.22 of the Revised Code.

(B)(1) Every person holding a certificate under this chapter
to practice medicine and surgery, osteopathic medicine and
surgery, or podiatric medicine and surgery wishing to renew that
certificate shall apply to the board for a certificate of
registration upon an application furnished by the board, and pay
to the board at the time of application a fee of three hundred
five dollars, according to the following schedule:

(a) Persons whose last name begins with the letters "A"

through "B," on or before April 1, 2001, and the first day of	19275
April of every odd-numbered year thereafter;	19276
(b) Persons whose last name begins with the letters "C"	19277
through "D," on or before January 1, 2001, and the first day of	19278
January of every odd-numbered year thereafter;	19279
(c) Persons whose last name begins with the letters "E"	19280
through "G," on or before October 1, 2000, and the first day of	19281
October of every even-numbered year thereafter;	19282
(d) Persons whose last name begins with the letters "H"	19283
through "K," on or before July 1, 2000, and the first day of July	19284
of every even-numbered year thereafter;	19285
(e) Persons whose last name begins with the letters "L"	19286
through "M," on or before April 1, 2000, and the first day of	19287
April of every even-numbered year thereafter;	19288
(f) Persons whose last name begins with the letters "N"	19289
through "R," on or before January 1, 2000, and the first day of	19290
January of every even-numbered year thereafter;	19291
(g) Persons whose last name begins with the letter "S," on or	19292
before October 1, 1999, and the first day of October of every	19293
odd-numbered year thereafter;	19294
(h) Persons whose last name begins with the letters "T"	19295
through "Z," on or before July 1, 1999, and the first day of July	19296
of every odd-numbered year thereafter.	19297
The board shall deposit the fee in accordance with section	19298
4731.24 of the Revised Code, except that the board shall deposit	19299
twenty dollars of the fee into the state treasury to the credit of	19300
the physician loan repayment fund created by section 3702.78 of	19301
the Revised Code.	19302
(2) The board shall mail or cause to be mailed to every	19303
person registered to practice medicine and surgery, osteopathic	19304

medicine and surgery, or podiatric medicine and surgery, a notice 19305
of registration renewal addressed to the person's last known 19306
address or may cause the notice to be sent to the person through 19307
the secretary of any recognized medical, osteopathic, or podiatric 19308
society, according to the following schedule: 19309

(a) To persons whose last name begins with the letters "A" 19310
through "B," on or before January 1, 2001, and the first day of 19311
January of every odd-numbered year thereafter; 19312

(b) To persons whose last name begins with the letters "C" 19313
through "D," on or before October 1, 2000, and the first day of 19314
October of every even-numbered year thereafter; 19315

(c) To persons whose last name begins with the letters "E" 19316
through "G," on or before July 1, 2000, and the first day of July 19317
of every even-numbered year thereafter; 19318

(d) To persons whose last name begins with the letters "H" 19319
through "K," on or before April 1, 2000, and the first day of 19320
April of every even-numbered year thereafter; 19321

(e) To persons whose last name begins with the letters "L" 19322
through "M," on or before January 1, 2000, and the first day of 19323
January of every even-numbered year thereafter; 19324

(f) To persons whose last name begins with the letters "N" 19325
through "R," on or before October 1, 1999, and the first day of 19326
October of every odd-numbered year thereafter; 19327

(g) To persons whose last name begins with the letter "S," on 19328
or before July 1, 1999, and the first day of July of every 19329
odd-numbered year thereafter; 19330

(h) To persons whose last name begins with the letters "T" 19331
through "Z," on or before April 1, 1999, and the first day of 19332
April of every odd-numbered year thereafter. 19333

(3) Failure of any person to receive a notice of renewal from 19334

the board shall not excuse the person from the requirements 19335
contained in this section. 19336

(4) The board's notice shall inform the applicant of the 19337
renewal procedure. The board shall provide the application for 19338
registration renewal in a form determined by the board. The 19339

(5) The applicant shall provide in the application the 19340
applicant's full name, principal practice address and residence 19341
address, the number of the applicant's certificate to practice, 19342
and any other information required by the board. The 19343

(6)(a) Except as provided in division (B)(6)(b) of this 19344
section, in the case of an applicant who prescribes or personally 19345
furnishes opioid analgesics or benzodiazepines, the applicant 19346
shall certify to the board whether the applicant has been granted 19347
access to the drug database established and maintained by the 19348
state board of pharmacy pursuant to section 4729.75 of the Revised 19349
Code. 19350

(b) The requirement in division (B)(6)(a) of this section 19351
does not apply if either of the following is the case: 19352

(i) The state board of pharmacy notifies the state medical 19353
board pursuant to section 4729.861 of the Revised Code that the 19354
applicant has been restricted from obtaining further information 19355
from the drug database. 19356

(ii) The state board of pharmacy no longer maintains the drug 19357
database. 19358

(c) If an applicant certifies to the state medical board that 19359
the applicant has been granted access to the drug database and the 19360
board finds through an audit or other means that the applicant has 19361
not been granted access, the board may take action under section 19362
4731.22 of the Revised Code. 19363

(7) The applicant shall include with the application a list 19364

of the names and addresses of any clinical nurse specialists, 19365
certified nurse-midwives, or certified nurse practitioners with 19366
whom the applicant is currently collaborating, as defined in 19367
section 4723.01 of the Revised Code. ~~The applicant shall execute~~ 19368
~~and deliver the application to the board in a manner prescribed by~~ 19369
~~the board.~~ Every person registered under this section shall give 19370
written notice to the state medical board of any change of 19371
principal practice address or residence address or in the list 19372
within thirty days of the change. 19373

(8) The applicant shall report any criminal offense to which 19374
the applicant has pleaded guilty, of which the applicant has been 19375
found guilty, or for which the applicant has been found eligible 19376
for intervention in lieu of conviction, since last filing an 19377
application for a certificate of registration. 19378

(9) The applicant shall execute and deliver the application 19379
to the board in a manner prescribed by the board. 19380

(C) The board shall issue to any person holding a certificate 19381
under this chapter to practice medicine and surgery, osteopathic 19382
medicine and surgery, or podiatric medicine and surgery, upon 19383
application and qualification therefor in accordance with this 19384
section, a certificate of registration under the seal of the 19385
board. A certificate of registration shall be valid for a two-year 19386
period. 19387

(D) Failure of any certificate holder to register and comply 19388
with this section shall operate automatically to suspend the 19389
holder's certificate to practice. Continued practice after the 19390
suspension of the certificate to practice shall be considered as 19391
practicing in violation of section 4731.41, 4731.43, or 4731.60 of 19392
the Revised Code. If the certificate has been suspended pursuant 19393
to this division for two years or less, it may be reinstated. The 19394
board shall reinstate a certificate to practice suspended for 19395
failure to register upon an applicant's submission of a renewal 19396

application, the biennial registration fee, and the applicable 19397
monetary penalty. The penalty for reinstatement shall be fifty 19398
dollars. If the certificate has been suspended pursuant to this 19399
division for more than two years, it may be restored. Subject to 19400
section 4731.222 of the Revised Code, the board may restore a 19401
certificate to practice suspended for failure to register upon an 19402
applicant's submission of a restoration application, the biennial 19403
registration fee, and the applicable monetary penalty and 19404
compliance with sections 4776.01 to 4776.04 of the Revised Code. 19405
The board shall not restore to an applicant a certificate to 19406
practice unless the board, in its discretion, decides that the 19407
results of the criminal records check do not make the applicant 19408
ineligible for a certificate issued pursuant to section 4731.14, 19409
4731.56, or 4731.57 of the Revised Code. The penalty for 19410
restoration shall be one hundred dollars. The board shall deposit 19411
the penalties in accordance with section 4731.24 of the Revised 19412
Code. 19413

(E) If an individual certifies completion of the number of 19414
hours and type of continuing medical education required to receive 19415
a certificate of registration or reinstatement of a certificate to 19416
practice, and the board finds through the random samples it 19417
conducts under this section or through any other means that the 19418
individual did not complete the requisite continuing medical 19419
education, the board may impose a civil penalty of not more than 19420
five thousand dollars. The board's finding shall be made pursuant 19421
to an adjudication under Chapter 119. of the Revised Code and by 19422
an affirmative vote of not fewer than six members. 19423

A civil penalty imposed under this division may be in 19424
addition to or in lieu of any other action the board may take 19425
under section 4731.22 of the Revised Code. The board shall deposit 19426
civil penalties in accordance with section 4731.24 of the Revised 19427
Code. 19428

(F) The state medical board may obtain information not 19429
protected by statutory or common law privilege from courts and 19430
other sources concerning malpractice claims against any person 19431
holding a certificate to practice under this chapter or practicing 19432
as provided in section 4731.36 of the Revised Code. 19433

(G) Each mailing sent by the board under division (B)(2) of 19434
this section to a person registered to practice medicine and 19435
surgery or osteopathic medicine and surgery shall inform the 19436
applicant of the reporting requirement established by division (H) 19437
of section 3701.79 of the Revised Code. At the discretion of the 19438
board, the information may be included on the application for 19439
registration or on an accompanying page. 19440

Sec. 4731.77. When a physician orders a test for the presence 19441
of Lyme disease in a patient, the physician or physician's 19442
delegate shall provide to the patient or patient's representative 19443
a written notice with the following information: 19444

"Your health care provider has ordered a test for the 19445
presence of Lyme disease. Current testing for Lyme disease can be 19446
problematic and may lead to false results. If you are tested for 19447
Lyme disease and the results are positive, this does not 19448
necessarily mean that you have contracted Lyme disease. In the 19449
alternative, if the results are negative, this does not 19450
necessarily mean that you have not contracted Lyme disease. If you 19451
continue to experience symptoms or have other health concerns, you 19452
should contact your health care provider and inquire about the 19453
appropriateness of additional testing or treatment." 19454

The physician or physician's delegate shall obtain a 19455
signature from the patient or patient's representative indicating 19456
receipt of the notice. The document containing the signature shall 19457
be kept in the patient's record. 19458

Sec. 4737.045. (A) To register as a scrap metal dealer or a bulk merchandise container dealer with the director of public safety as required by division (B) of section 4737.04 of the Revised Code, a person shall do all of the following:

(1) Provide the name and street address of the dealer's place of business;

(2) Provide the name of the primary owner of the business, and of the manager of the business, if the manager is not the primary owner;

(3) Provide the electronic mail address of the business;

(4) Provide confirmation that the dealer has the capabilities to electronically connect with the department of public safety for the purpose of sending and receiving information;

(5) Provide any other information required by the director in rules the director adopts pursuant to sections 4737.01 to 4737.045 of the Revised Code;

(6) Pay an initial registration fee of two hundred dollars.

(B) A person engaging in the business of a scrap metal dealer or a bulk merchandise container dealer in this state on or before ~~the effective date of this section~~ September 28, 2012, shall register with the director not later than January 1, 2013. With respect to a person who commences engaging in the business of a scrap metal dealer or a bulk merchandise container dealer after ~~the effective date of this section~~ September 28, 2012, the person shall register with the director pursuant to this section prior to commencing business as a scrap metal dealer or a bulk merchandise container dealer.

(C) A registration issued to a scrap metal dealer or a bulk merchandise container dealer pursuant to this section is valid for a period of one year. A dealer shall renew the registration in

accordance with the rules adopted by the director and pay a 19489
renewal fee of one hundred fifty dollars to cover the costs of 19490
operating and maintaining the registry created pursuant to 19491
division (E) of this section. 19492

(D) A scrap metal dealer or a bulk merchandise container 19493
dealer registered under this section shall prominently display a 19494
copy of the annual registration certificate received from the 19495
director pursuant to division (E)(2) of this section. 19496

(E) The director shall do all of the following: 19497

(1) Develop and implement, by January 1, 2014, and maintain 19498
as a registry a secure database for use by law enforcement 19499
agencies that is capable of all of the following: 19500

(a) Receiving and securely storing all of the information 19501
required by division (A) of this section and the daily transaction 19502
data that scrap metal dealers and bulk merchandise dealers are 19503
required to send pursuant to division (E)(1) of section 4737.04 of 19504
the Revised Code; 19505

(b) Providing secure search capabilities to law enforcement 19506
agencies for enforcement purposes; 19507

(c) Creating a link and retransmission capability for receipt 19508
of routine scrap theft alerts published by the institute of scrap 19509
recycling industries for transmission to dealers and law 19510
enforcement agencies in the state; 19511

(d) Making the electronic lists prepared pursuant to division 19512
(F)(2) of section 4737.04 of the Revised Code available through an 19513
electronic searchable format for individual law enforcement 19514
agencies and for dealers in the state; 19515

(e) Providing, without charge, interlink programming enabling 19516
the transfer of information to dealers. 19517

(2) Issue, reissue, or deny registration to dealers; 19518

(3) Adopt rules to enforce sections 4737.01 to 4737.045 of the Revised Code, rules establishing procedures to renew a registration issued under this section, rules for the format and maintenance for the records required under division (A) of section 4737.012 of the Revised Code or division (C) of section 4737.04 of the Revised Code, and rules regarding the delivery of the report required by division (E)(1) of section 4737.04 of the Revised Code to the registry, which shall be used exclusively by law enforcement agencies.

(F) A scrap metal dealer or bulk merchandise container dealer may search, modify, or update only the dealer's own business data contained within the registry established in division (E) of this section.

(G) All fees received by the director pursuant to this section and division (F) of section 4737.99 of the Revised Code shall be used to develop and maintain the registry required under this section. The fees shall be deposited into the ~~security, investigations, and policing~~ infrastructure protection fund which is hereby created in section 4501.11 of the Revised Code the state treasury.

Sec. 4741.49. (A) A person holding a license, limited license, or temporary permit to practice veterinary medicine who orders a test for the presence of Lyme disease in an animal under the person's care may report to the department of health any test result indicating the presence of the disease.

(B) The director of health may adopt rules regarding the submission of reports described in this section. If rules are adopted, the rules shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 4758.01. As used in this chapter:

(A) "Accredited educational institution" means an educational institution accredited by an accrediting agency accepted by the Ohio board of regents.

(B)(1) "Alcohol and other drug clinical counseling principles, methods, or procedures" means an approach to chemical dependency counseling that emphasizes the chemical dependency counselor's role in systematically assisting clients through all of the following:

(a) Analyzing background and current information;

(b) Exploring possible solutions;

(c) Developing and providing a treatment plan;

(d) In the case of an independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, or chemical dependency counselor III only, diagnosing chemical dependency conditions.

(2) "Alcohol and other drug clinical counseling principles, methods, or procedures" includes counseling, assessing, consulting, and referral as they relate to chemical dependency conditions.

(C) "Alcohol and other drug prevention services" means a planned process of strategies and activities designed to preclude the onset of the use of alcohol and other drugs, reduce problematic use of alcohol and other drugs, or both.

(D) "Chemical dependency conditions" means those conditions relating to the abuse of or dependency on alcohol or other drugs that are classified in accepted nosologies, including the diagnostic and statistical manual of mental disorders and the international classification of diseases, and in editions of those nosologies published after December 23, 2002.

(E) "Chemical dependency counseling" means rendering or

offering to render to individuals, groups, or the public a 19579
counseling service involving the application of alcohol and other 19580
drug clinical counseling principles, methods, or procedures to 19581
assist individuals who are abusing or dependent on alcohol or 19582
other drugs. 19583

(F) "Gambling disorder" means a persistent and recurring 19584
maladaptive gambling behavior that is classified in accepted 19585
nosologies, including the diagnostic and statistical manual of 19586
mental disorders and the international classification of diseases, 19587
and in editions of those nosologies published after the effective 19588
date of this section. 19589

(G) Unless the context provides otherwise, "scope of 19590
practice" means the services, methods, and techniques in which and 19591
the areas for which a person who holds a license ~~or~~ certificate, 19592
or endorsement under this chapter is trained and qualified. 19593

~~(G)~~(H) "Substance abuse professional" has the same meaning as 19594
in 49 C.F.R. 40.3. 19595

~~(H)~~(I) "U.S. department of transportation drug and alcohol 19596
testing program" means a transportation workplace drug and alcohol 19597
testing program governed by 49 C.F.R. part 40. 19598

Sec. 4758.02. (A) Except as provided in section 4758.03 of 19599
the Revised Code, no person shall do any of the following: 19600

(1) Engage in or represent to the public that the person 19601
engages in chemical dependency counseling for a fee, salary, or 19602
other consideration unless the person holds a valid independent 19603
chemical dependency counselor-clinical supervisor license, 19604
independent chemical dependency counselor license, chemical 19605
dependency counselor III license, chemical dependency counselor II 19606
license, or chemical dependency counselor assistant certificate 19607
issued under this chapter; 19608

(2) Use the title "licensed independent chemical dependency counselor-clinical supervisor," "LICDC-CS," "licensed independent chemical dependency counselor," "LICDC," "licensed chemical dependency counselor III," "LCDC III," "licensed chemical dependency counselor II," "LCDC II," "chemical dependency counselor assistant," "CDCA," or any other title or description incorporating the word "chemical dependency counselor" or any other initials used to identify persons acting in those capacities unless currently authorized under this chapter to act in the capacity indicated by the title or initials;

(3) Represent to the public that the person holds a gambling disorder endorsement unless the person holds a valid gambling disorder endorsement issued under this chapter;

(4) Represent to the public that the person is a registered applicant unless the person holds a valid registered applicant certificate issued under this chapter;

~~(4)~~(5) Use the title "certified prevention specialist II," "CPS II," "certified prevention specialist I," "CPS I," "certified prevention specialist assistant," "CPSA," "registered applicant," "RA," or any other title, description, or initials used to identify persons acting in those capacities unless currently authorized under this chapter to act in the capacity indicated by the title or initials.

(B) No person shall engage in or represent to the public that the person engages in chemical dependency counseling as a chemical dependency counselor I.

Sec. 4758.06. No individual who holds or has held a license ~~or~~ certificate, or endorsement issued under this chapter shall disclose any information regarding the identity, diagnosis, or treatment of any of the individual's clients or consumers except for the purposes and under the circumstances expressly authorized

by 42 U.S.C.A. 290dd-2, regulations promulgated pursuant to that 19640
federal law, other federal law enacted after ~~the effective date of~~ 19641
~~this section~~ December 23, 2002, to replace 42 U.S.C.A. 290dd-2, or 19642
regulations promulgated under the replacement federal law. The 19643
prohibition of this section applies whether or not the information 19644
is recorded. 19645

Sec. 4758.16. The chemical dependency professionals board 19646
shall not discriminate against any licensee, certificate holder, 19647
endorsement holder, or applicant for a license ~~or~~, certificate, or 19648
endorsement under this chapter because of the individual's race, 19649
color, religion, gender, national origin, disability as defined in 19650
section 4112.01 of the Revised Code, or age. The board shall 19651
afford a hearing to any individual who files with the board a 19652
statement alleging discrimination based on any of those reasons. 19653

Sec. 4758.20. (A) The chemical dependency professionals board 19654
shall adopt rules to establish, specify, or provide for all of the 19655
following: 19656

(1) Fees for the purposes authorized by section 4758.21 of 19657
the Revised Code; 19658

(2) If the board, pursuant to section 4758.221 of the Revised 19659
Code, elects to administer examinations for individuals seeking to 19660
act as substance abuse professionals in a U.S. department of 19661
transportation drug and alcohol testing program, the board's 19662
administration of the examinations; 19663

(3) For the purpose of section 4758.23 of the Revised Code, 19664
codes of ethical practice and professional conduct for individuals 19665
who hold a license ~~or~~, certificate, or endorsement issued under 19666
this chapter; 19667

(4) For the purpose of section 4758.24 of the Revised Code, 19668
all of the following: 19669

- (a) Good moral character requirements for an individual who seeks or holds a license ~~or~~, certificate, or endorsement issued under this chapter; 19670
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- (b) The documents that an individual seeking such a license ~~or~~, certificate, or endorsement must submit to the board; 19673
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- (c) Requirements to obtain the license ~~or~~, 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. 19675
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- (d) The period of time that an individual whose registered applicant certificate has expired must wait before applying for a new registered applicant certificate. 19680
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- (5) For the purpose of section 4758.28 of the Revised Code, requirements for approval of continuing education courses of study for individuals who hold a license ~~or~~, certificate, or endorsement issued under this chapter; 19683
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- (6) For the purpose of section 4758.30 of the Revised Code, the intervention for and treatment of an individual holding a license ~~or~~, certificate, or endorsement issued under this chapter whose abilities to practice are impaired due to abuse of or dependency on alcohol or other drugs or other physical or mental condition; 19687
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- (7) Requirements governing reinstatement of a suspended or revoked license ~~or~~, certificate, or endorsement under division (B) of section 4758.30 of the Revised Code, including requirements for determining the amount of time an individual must wait to apply for reinstatement; 19693
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- (8) For the purpose of section 4758.31 of the Revised Code, methods of ensuring that all records the board holds pertaining to an investigation remain confidential during the investigation; 19698
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(9) Criteria for employees of the board to follow when performing their duties under division (B) of section 4758.35 of the Revised Code; 19701
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(10) For the purpose of division (A)(1) of section 4758.39 and division (A)(1) of section 4758.40 of the Revised Code, course requirements for a degree in a behavioral science or nursing that shall, at a minimum, include at least forty semester hours in all of the following courses: 19704
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(a) Theories of counseling and psychotherapy; 19709

(b) Counseling procedures; 19710

(c) Group process and techniques; 19711

(d) Relationship therapy; 19712

(e) Research methods and statistics; 19713

(f) Fundamentals of assessment and diagnosis, including measurement and appraisal; 19714
19715

(g) Psychopathology; 19716

(h) Human development; 19717

(i) Cultural competence in counseling; 19718

(j) Ethics. 19719

(11) For the purpose of division (A)(3) of section 4758.39, division (A)(3) of section 4758.40, division (A)(3) of section 4758.41, and division (A)(3) of section 4758.42 of the Revised Code, training requirements for chemical dependency that shall, at a minimum, include qualifications for the individuals who provide the training and instruction in all of the following courses: 19720
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19723
19724
19725

(a) Theories of addiction; 19726

(b) Counseling procedures and strategies with addicted populations; 19727
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(c) Group process and techniques working with addicted populations;	19729 19730
(d) Assessment and diagnosis of addiction;	19731
(e) Relationship counseling with addicted populations;	19732
(f) Pharmacology;	19733
(g) Prevention strategies;	19734
(h) Treatment planning;	19735
(i) Legal and ethical issues.	19736
(12) For the purpose of division (B)(2)(b) of section 4758.40 and division (B)(2) of section 4758.41 of the Revised Code, requirements for the forty clock hours of training on the version of the diagnostic and statistical manual of mental disorders that is current at the time of the training, including the number of the clock hours that must be on substance-related disorders, the number of the clock hours that must be on chemical dependency conditions, and the number of the clock hours that must be on awareness of other mental and emotional disorders;	19737 19738 19739 19740 19741 19742 19743 19744 19745
(13) For the purpose of division (A)(1) of section 4758.41 of the Revised Code, course requirements for a degree in a behavioral science or nursing;	19746 19747 19748
(14) For the purpose of division (A) of section 4758.43 of the Revised Code, training requirements for chemical dependency counseling that shall, at a minimum, include qualifications for the individuals who provide the training and instruction in one or more of the courses listed in division (A)(10) of this section as selected by the individual seeking the chemical dependency counselor assistant certificate;	19749 19750 19751 19752 19753 19754 19755
(15) For the purpose of division (A)(2) of section 4758.44 of the Revised Code, the field of study in which an individual must obtain at least a bachelor's degree;	19756 19757 19758

(16) For the purpose of division (A)(3) of section 4758.44, 19759
division (A)(3) of section 4758.45, and division (D) of section 19760
4758.46 of the Revised Code, requirements for prevention-related 19761
education; 19762

(17) For the purpose of division (A)(4) of section 4758.44 of 19763
the Revised Code, the number of hours of administrative or 19764
supervisory education that an individual must have; 19765

(18) For the purpose of division (A)(2) of section 4758.45 of 19766
the Revised Code, the field of study in which an individual must 19767
obtain at least an associate's degree; 19768

(19) Standards for the one hundred hours of compensated work 19769
or supervised internship in gambling disorder direct clinical 19770
experience required by division (B)(2) of section 4758.48 of the 19771
Revised Code; 19772

(20) For the purpose of section 4758.51 of the Revised Code, 19773
continuing education requirements for individuals who hold a 19774
license ~~or~~, certificate, or endorsement issued under this chapter; 19775

~~(20)~~(21) For the purpose of section 4758.51 of the Revised 19776
Code, the number of hours of continuing education that an 19777
individual must complete to have an expired license ~~or~~, 19778
certificate, or endorsement restored under section 4758.26 of the 19779
Revised Code; 19780

~~(21)~~(22) For the purpose of divisions (A) and (B) of section 19781
4758.52 of the Revised Code, training requirements for chemical 19782
dependency counseling; 19783

~~(22)~~(23) The duties, which may differ, of all of the 19784
following: 19785

(a) An independent chemical dependency counselor-clinical 19786
supervisor licensed under this chapter who supervises a chemical 19787
dependency counselor III under section 4758.56 of the Revised 19788

Code;	19789
(b) An independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, or chemical dependency counselor III licensed under this chapter who supervises a chemical dependency counselor assistant under section 4758.59 of the Revised Code;	19790 19791 19792 19793 19794
(c) A prevention specialist II or prevention specialist I certified under this chapter or independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, or chemical dependency counselor III licensed under this chapter who supervises a prevention specialist assistant or registered applicant under section 4758.61 of the Revised Code.	19795 19796 19797 19798 19799 19800
(23) (24) <u>The duties of an independent chemical dependency counselor licensed under this chapter who holds the gambling disorder endorsement who supervises a chemical dependency counselor III with the gambling disorder endorsement under section 4758.62 of the Revised Code.</u>	19801 19802 19803 19804 19805
<u>(25)</u> Anything else necessary to administer this chapter.	19806
(B) All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code and any applicable federal laws and regulations.	19807 19808 19809
(C) When it adopts rules under this section, the board may consider standards established by any national association or other organization representing the interests of those involved in chemical dependency counseling or alcohol and other drug prevention services.	19810 19811 19812 19813 19814
Sec. 4758.21. (A) In accordance with rules adopted under section 4758.20 of the Revised Code and subject to division (B) of this section, the chemical dependency professionals board shall establish, and may from time to time adjust, fees to be charged	19815 19816 19817 19818

for the following:	19819
(1) Admitting an individual to an examination administered pursuant to section 4758.22 of the Revised Code;	19820 19821
(2) Issuing an initial independent chemical dependency counselor-clinical supervisor license, independent chemical dependency counselor license, chemical dependency counselor III license, chemical dependency counselor II license, chemical dependency counselor assistant certificate, prevention specialist II certificate, prevention specialist I certificate, prevention specialist assistant certificate, or registered applicant certificate;	19822 19823 19824 19825 19826 19827 19828 19829
(3) <u>Issuing an initial gambling disorder endorsement;</u>	19830
(4) (4) Renewing an independent chemical dependency counselor-clinical supervisor license, independent chemical dependency counselor license, chemical dependency counselor III license, chemical dependency counselor II license, chemical dependency counselor assistant certificate, prevention specialist II certificate, prevention specialist I certificate, or prevention specialist assistant certificate;	19831 19832 19833 19834 19835 19836 19837
(4) (5) <u>Renewing a gambling disorder endorsement;</u>	19838
(6) Approving continuing education courses under section 4758.28 of the Revised Code;	19839 19840
(5) (7) Doing anything else the board determines necessary to administer this chapter.	19841 19842
(B) The fees established under division (A) of this section are nonrefundable. They shall be in amounts sufficient to cover the necessary expenses of the board in administering this chapter and rules adopted under it. The fees for a license or certificate, <u>or endorsement</u> and the renewal of a license or certificate, <u>or endorsement</u> may differ for the various types of	19843 19844 19845 19846 19847 19848

licenses ~~and~~, certificates, or endorsements, but shall not exceed 19849
one hundred seventy-five dollars each, unless the board determines 19850
that amounts in excess of one hundred seventy-five dollars are 19851
needed to cover its necessary expenses in administering this 19852
chapter and rules adopted under it and the amounts in excess of 19853
one hundred seventy-five dollars are approved by the controlling 19854
board. 19855

(C) All vouchers of the board shall be approved by the 19856
chairperson or executive director of the board, or both, as 19857
authorized by the board. 19858

Sec. 4758.23. (A) In rules adopted under section 4758.20 of 19859
the Revised Code, the chemical dependency professionals board 19860
shall establish codes of ethical practice and professional conduct 19861
for the following: 19862

(1) Individuals who hold a valid independent chemical 19863
dependency counselor-clinical supervisor license, independent 19864
chemical dependency counselor license, chemical dependency 19865
counselor III license, chemical dependency counselor II license, 19866
or chemical dependency counselor assistant certificate issued 19867
under this chapter; 19868

(2) Individuals who hold a valid prevention specialist II 19869
certificate, prevention specialist I certificate, prevention 19870
specialist assistant certificate, or registered applicant 19871
certificate issued under this chapter; 19872

(3) Individuals who hold a valid gambling disorder 19873
endorsement. 19874

(B) The codes for individuals identified under division 19875
(A)(1) of this section shall define unprofessional conduct, which 19876
shall include engaging in a dual relationship with a client, 19877
former client, consumer, or former consumer; committing an act of 19878

sexual abuse, misconduct, or exploitation of a client, former 19879
client, consumer, or former consumer; and, except as permitted by 19880
law, violating client or consumer confidentiality. 19881

(C) The codes for individuals identified under division 19882
(A)(1) of this section may be based on any codes of ethical 19883
practice and professional conduct developed by national 19884
associations or other organizations representing the interests of 19885
those involved in chemical dependency counseling. The codes for 19886
individuals identified under division (A)(2) of this section may 19887
be based on any codes of ethical practice and professional conduct 19888
developed by national associations or other organizations 19889
representing the interests of those involved in alcohol and other 19890
drug prevention services. The board may establish standards in the 19891
codes that are more stringent than those established by the 19892
national associations or other organizations. 19893

Sec. 4758.24. (A) The chemical dependency professionals board 19894
shall issue a license ~~or~~, certificate, or endorsement under this 19895
chapter to an individual who meets all of the following 19896
requirements: 19897

(1) Is of good moral character as determined in accordance 19898
with rules adopted under section 4758.20 of the Revised Code; 19899

(2) Except as provided in section 4758.241 of the Revised 19900
Code, submits a properly completed application and all other 19901
documentation specified in rules adopted under section 4758.20 of 19902
the Revised Code; 19903

(3) Except as provided in section 4758.241 of the Revised 19904
Code, pays the fee established under section 4758.21 of the 19905
Revised Code for the license ~~or~~, certificate, or endorsement that 19906
the individual seeks; 19907

(4) Meets the requirements to obtain the license ~~or~~, 19908

certificate, or endorsement that the individual seeks as specified 19909
in section 4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 4758.44, 19910
4758.45, 4758.46, ~~or~~ 4758.47, or 4758.48 of the Revised Code; 19911

(5) Meets any additional requirements specified in rules 19912
adopted under section 4758.20 of the Revised Code to obtain the 19913
license ~~or~~, certificate, or endorsement that the individual seeks. 19914

(B) The board shall not do either of the following: 19915

(1) Issue a certificate to practice as a chemical dependency 19916
counselor I; 19917

(2) Issue a new registered applicant certificate to an 19918
individual whose previous registered applicant certificate has 19919
been expired for less than the period of time specified in rules 19920
adopted under section 4758.20 of the Revised Code. 19921

Sec. 4758.26. (A) Subject to section 4758.30 of the Revised 19922
Code, a license ~~or~~, certificate, or endorsement issued under this 19923
chapter expires the following period of time after it is issued: 19924

(1) In the case of an initial chemical dependency counselor 19925
assistant certificate, thirteen months; 19926

(2) In the case of any other license ~~or~~, certificate, or 19927
endorsement, two years. 19928

(B) Subject to section 4758.30 of the Revised Code and except 19929
as provided in section 4758.27 of the Revised Code, the chemical 19930
dependency professionals board shall renew a license ~~or~~, 19931
certificate, or endorsement issued under this chapter in 19932
accordance with the standard renewal procedure established under 19933
Chapter 4745. of the Revised Code if the individual seeking the 19934
renewal pays the renewal fee established under section 4758.21 of 19935
the Revised Code and does the following: 19936

(1) In the case of an individual seeking renewal of an 19937
initial chemical dependency counselor assistant certificate, 19938

satisfies the additional training requirement established under 19939
section 4758.52 of the Revised Code; 19940

(2) In the case of any other individual, satisfies the 19941
continuing education requirements established under section 19942
4758.51 of the Revised Code. 19943

(C) Subject to section 4758.30 of the Revised Code and except 19944
as provided in section 4758.27 of the Revised Code, a license ~~or~~, 19945
certificate, or endorsement issued under this chapter that has 19946
expired may be restored if the individual seeking the restoration, 19947
not later than two years after the license ~~or~~, certificate, or 19948
endorsement expires, applies for restoration of the license ~~or~~, 19949
certificate, or endorsement. The board shall issue a restored 19950
license ~~or~~, certificate, or endorsement to the individual if the 19951
individual pays the renewal fee established under section 4758.21 19952
of the Revised Code and does the following: 19953

(1) In the case of an individual whose initial chemical 19954
dependency counselor assistant certificate expired, satisfies the 19955
additional training requirement established under section 4758.52 19956
of the Revised Code; 19957

(2) In the case of any other individual, satisfies the 19958
continuing education requirements established under section 19959
4758.51 of the Revised Code for restoring the license ~~or~~, 19960
certificate, or endorsement. 19961

The board shall not require an individual to take an 19962
examination as a condition of having an expired license ~~or~~, 19963
certificate, or endorsement restored under this section. 19964

Sec. 4758.28. The chemical dependency professionals board 19965
shall approve, in accordance with rules adopted under section 19966
4758.20 of the Revised Code and subject to payment of the fee 19967
established under section 4758.21 of the Revised Code, continuing 19968

education courses of study for individuals who hold a license ~~or~~,
certificate, or endorsement issued under this chapter. 19969
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Sec. 4758.29. On receipt of a notice pursuant to section 19971
3123.43 of the Revised Code, the chemical dependency professionals 19972
board shall comply with sections 3123.41 to 3123.50 of the Revised 19973
Code and any applicable rules adopted under section 3123.63 of the 19974
Revised Code with respect to a license ~~or~~, certificate, or
endorsement issued pursuant to this chapter. 19975
19976

Sec. 4758.30. (A) The chemical dependency professionals 19977
board, in accordance with Chapter 119. of the Revised Code, may 19978
refuse to issue a license ~~or~~, certificate, or endorsement applied 19979
for under this chapter; refuse to renew or restore a license ~~or~~,
certificate, or endorsement issued under this chapter; suspend, 19980
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revoke, or otherwise restrict a license ~~or~~, certificate, or
endorsement issued under this chapter; or reprimand an individual 19982
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holding a license ~~or~~, certificate, or endorsement issued under
this chapter. These actions may be taken by the board regarding 19984
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the applicant for a license ~~or~~, certificate, or endorsement or the
individual holding a license ~~or~~, certificate, or endorsement for 19986
19987
one or more of the following reasons: 19988

(1) Violation of any provision of this chapter or rules 19989
adopted under it; 19990

(2) Knowingly making a false statement on an application for 19991
a license ~~or~~, certificate, or endorsement or for renewal, 19992
restoration, or reinstatement of a license ~~or~~, certificate, or
endorsement; 19993
19994

(3) Acceptance of a commission or rebate for referring an 19995
individual to a person who holds a license or certificate issued 19996
by, or who is registered with, an entity of state government, 19997
including persons practicing chemical dependency counseling, 19998

alcohol and other drug prevention services, <u>gambling disorder</u>	19999
<u>counseling</u> , or fields related to chemical dependency counseling,	20000
<u>gambling disorder counseling</u> , or alcohol and other drug prevention	20001
services;	20002
(4) Conviction in this or any other state of any crime that	20003
is a felony in this state;	20004
(5) Conviction in this or any other state of a misdemeanor	20005
committed in the course of practice as an independent chemical	20006
dependency counselor-clinical supervisor, independent chemical	20007
dependency counselor, chemical dependency counselor III, chemical	20008
dependency counselor II, chemical dependency counselor assistant,	20009
prevention specialist II, <u>gambling disorder endorsee</u> , prevention	20010
specialist I, prevention specialist assistant, or registered	20011
applicant;	20012
(6) Inability to practice as an independent chemical	20013
dependency counselor-clinical supervisor, independent chemical	20014
dependency counselor, chemical dependency counselor III, chemical	20015
dependency counselor II, chemical dependency counselor assistant,	20016
<u>gambling disorder endorsee</u> , prevention specialist II, prevention	20017
specialist I, prevention specialist assistant, or registered	20018
applicant due to abuse of or dependency on alcohol or other drugs	20019
or other physical or mental condition;	20020
(7) Practicing outside the individual's scope of practice;	20021
(8) Practicing without complying with the supervision	20022
requirements specified under section 4758.56, 4758.59, or 4758.61,	20023
<u>or 4758.62</u> of the Revised Code;	20024
(9) Violation of the code of ethical practice and	20025
professional conduct for chemical dependency counseling or ,	20026
alcohol and other drug prevention, <u>or gambling disorder counseling</u>	20027
services adopted by the board pursuant to section 4758.23 of the	20028
Revised Code;	20029

(10) Revocation of a license ~~or~~, certificate, or endorsement 20030
or voluntary surrender of a license ~~or~~, certificate, or 20031
endorsement in another state or jurisdiction for an offense that 20032
would be a violation of this chapter. 20033

(B) An individual whose license ~~or~~, certificate, or 20034
endorsement has been suspended or revoked under this section may 20035
apply to the board for reinstatement after an amount of time the 20036
board shall determine in accordance with rules adopted under 20037
section 4758.20 of the Revised Code. The board may accept or 20038
refuse an application for reinstatement. The board may require an 20039
examination for reinstatement of a license ~~or~~, certificate, or 20040
endorsement that has been suspended or revoked. 20041

Sec. 4758.31. The chemical dependency professionals board 20042
shall investigate alleged violations of this chapter or the rules 20043
adopted under it and alleged irregularities in the delivery of 20044
chemical dependency counseling services, gambling disorder 20045
counseling services, or alcohol and other drug prevention services 20046
by individuals who hold a license ~~or~~, certificate, or endorsement 20047
issued under this chapter. As part of an investigation, the board 20048
may issue subpoenas, examine witnesses, and administer oaths. 20049

The board may receive any information necessary to conduct an 20050
investigation under this section that has been obtained in 20051
accordance with federal laws and regulations. If the board is 20052
investigating the provision of chemical dependency counseling 20053
services or gambling disorder counseling services to a couple or 20054
group, it is not necessary for both members of the couple or all 20055
members of the group to consent to the release of information 20056
relevant to the investigation. 20057

The board shall ensure, in accordance with rules adopted 20058
under section 4758.20 of the Revised Code, that all records it 20059
holds pertaining to an investigation remain confidential during 20060

the investigation. After the investigation, the records are public 20061
records except as otherwise provided by federal or state law. 20062

Sec. 4758.35. (A) An individual seeking a license ~~or~~ 20063
certificate, or endorsement issued under this chapter shall file 20064
with the chemical dependency professionals board a written 20065
application on a form prescribed by the board. Each form shall 20066
state that a false statement made on the form is the crime of 20067
falsification under section 2921.13 of the Revised Code. 20068

(B) The board shall require an individual or individuals 20069
employed by the board under section 4758.15 of the Revised Code to 20070
do both of the following in accordance with criteria established 20071
by rules adopted under section 4758.20 of the Revised Code: 20072

(1) Receive and review all applications submitted to the 20073
board; 20074

(2) Submit to the board all applications the individual or 20075
individuals recommend the board review based on the criteria 20076
established in the rules. 20077

(C) The board shall review all applications submitted to the 20078
board pursuant to division (B)(2) of this section. 20079

Sec. 4758.36. As part of the review process under division 20080
(C) of section 4758.35 of the Revised Code of an application 20081
submitted by an applicant who has obtained the applicant's 20082
education, experience in chemical dependency counseling, gambling 20083
disorder, or alcohol and other drug prevention services, or 20084
education and experience outside the United States, the chemical 20085
dependency professionals board shall determine whether the 20086
applicant's command of the English language and education or 20087
experience meet the standards required by this chapter and rules 20088
adopted under it. 20089

Sec. 4758.48. An individual is not eligible for a gambling disorder endorsement unless the individual meets the requirements of divisions (A) and (B) of this section. 20090
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(A) The individual is an independent chemical dependency counselor, chemical dependency counselor III, or chemical dependency counselor II licensed under this chapter. 20093
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(B) Except as otherwise provided in this division, the individual has completed both of the following: 20096
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(1) A minimum of thirty hours of gambling disorder training that meets the requirements prescribed in rules adopted under section 4758.20 of the Revised Code; and 20098
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(2) A minimum of one hundred hours of compensated work or supervised internship in gambling disorder direct clinical experience. 20101
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An individual may be issued an initial gambling disorder endorsement without having complied with division (B)(2) of this section, but the individual shall comply with division (B)(2) of this section before expiration of the initial endorsement. An individual who fails to comply with this paragraph is not entitled to renewal of the initial endorsement. 20104
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Sec. 4758.50. An individual who holds a license ~~or~~ certificate, or endorsement issued under this chapter shall post the license ~~or~~ certificate, or endorsement in a prominent place at the individual's place of employment. 20110
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Sec. 4758.51. (A) Except as provided in division (C) of this section and in accordance with rules adopted under section 4758.20 of the Revised Code, each individual who holds a license ~~or~~ certificate, or endorsement issued under this chapter, other than an initial chemical dependency counselor assistant certificate, 20114
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shall complete during the period that the license ~~or~~, certificate, 20119
or endorsement is in effect not less than the following number of 20120
clock hours of continuing education as a condition of receiving a 20121
renewed license ~~or~~, certificate, or endorsement: 20122

(1) In the case of an individual holding a prevention 20123
specialist assistant certificate, twenty; 20124

(2) In the case of an individual holding a gambling disorder 20125
endorsement, six; 20126

(3) In the case of any other individual, forty. 20127

(B) Except as provided in division (C) of this section, an 20128
individual whose license ~~or~~, certificate, or endorsement issued 20129
under this chapter, other than an initial chemical dependency 20130
counselor assistant certificate, has expired shall complete the 20131
number of hours of continuing education specified in rules adopted 20132
under section 4758.20 of the Revised Code as a condition of 20133
receiving a restored license ~~or~~, certificate, or endorsement. 20134

(C) The chemical dependency professionals board may waive the 20135
continuing education requirements established under this section 20136
for individuals who are unable to fulfill them because of military 20137
service, illness, residence outside the United States, or any 20138
other reason the board considers acceptable. 20139

Sec. 4758.55. In addition to practicing chemical dependency 20140
counseling, an individual holding a valid independent chemical 20141
dependency counselor license may do all of the following: 20142

(A) Diagnose and treat chemical dependency conditions; 20143

(B) Perform treatment planning, assessment, crisis 20144
intervention, individual and group counseling, case management, 20145
and education services as they relate to abuse of and dependency 20146
on alcohol and other drugs; 20147

(C) Provide clinical supervision of chemical dependency 20148

counseling under the supervision of any of the following:	20149
(1) An independent chemical dependency counselor-clinical supervisor licensed under this chapter;	20150 20151
(2) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	20152 20153 20154
(3) A psychologist licensed under Chapter 4732. of the Revised Code;	20155 20156
(4) A registered nurse licensed under Chapter 4723. of the Revised Code or licensed professional clinical counselor, independent social worker, or independent marriage and family therapist licensed under Chapter 4757. of the Revised Code if such supervision is consistent with the scope of practice of the registered nurse, licensed professional clinical counselor, independent social worker, or independent marriage and family therapist;	20157 20158 20159 20160 20161 20162 20163 20164
<u>(5) An individual authorized to practice as a certified nurse practitioner or clinical nurse specialist under Chapter 4723. of the Revised Code.</u>	20165 20166 20167
(D) Refer individuals with nonchemical dependency conditions to appropriate sources of help.	20168 20169
Sec. 4758.561. Any of the following professionals may supervise a chemical dependency counselor III for purposes of divisions (A)(1) and (4) of section 4758.56 of the Revised Code:	20170 20171 20172
(A) An independent chemical dependency counselor-clinical supervisor licensed under this chapter;	20173 20174
(B) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	20175 20176 20177

(C) A psychologist licensed under Chapter 4732. of the Revised Code; 20178
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(D) A registered nurse licensed under Chapter 4723. of the Revised Code or licensed professional clinical counselor, independent social worker, or independent marriage and family therapist licensed under Chapter 4757. of the Revised Code if such supervision is consistent with the scope of practice of the registered nurse, licensed professional clinical counselor, independent social worker, or independent marriage and family therapist; 20180
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(E) An individual authorized to practice as a certified nurse practitioner or clinical nurse specialist under Chapter 4723. of the Revised Code. 20188
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Sec. 4758.59. (A) Subject to division (B) of this section, an individual holding a valid chemical dependency counselor assistant certificate may do both of the following in addition to practicing chemical dependency counseling: 20191
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(1) Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management, and education services as they relate to abuse of or dependency on alcohol and other drugs; 20195
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(2) Refer individuals with nonchemical dependency conditions to appropriate sources of help. 20199
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(B) An individual holding a valid chemical dependency counselor assistant certificate may practice chemical dependency counseling and perform the tasks specified in division (A) of this section only while under the supervision of any of the following: 20201
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(1) An independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, or chemical dependency counselor III licensed under this chapter; 20205
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(2) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; 20208
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(3) A psychologist licensed under Chapter 4732. of the Revised Code; 20211
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(4) A registered nurse licensed under Chapter 4723. of the Revised Code or licensed professional clinical counselor, independent social worker, or independent marriage and family therapist licensed under Chapter 4757. of the Revised Code if such supervision is consistent with the scope of practice of the registered nurse, licensed professional clinical counselor, independent social worker, or independent marriage and family therapist; 20213
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(5) An individual authorized to practice as a certified nurse practitioner or clinical nurse specialist under Chapter 4723. of the Revised Code. 20221
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(C) A chemical dependency counselor assistant may not practice as an individual practitioner. 20224
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Sec. 4758.60. An individual who holds a valid prevention specialist II certificate or prevention specialist I certificate issued under this chapter may engage in the practice of ~~alcohol and other drug~~ prevention services as specified in rules adopted under section 4758.20 of the Revised Code. 20226
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Sec. 4758.61. An individual who holds a valid prevention specialist assistant certificate or registered applicant certificate issued under this chapter may engage in the practice of alcohol and other drug prevention services under the supervision of any of the following: 20231
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(A) A prevention specialist II or prevention specialist I certified under this chapter; 20236
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(B) An independent chemical dependency counselor-clinical supervisor, an independent chemical dependency counselor, or a chemical dependency counselor III licensed under this chapter;	20238 20239 20240
(C) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	20241 20242 20243
(D) A psychologist licensed under Chapter 4732. of the Revised Code;	20244 20245
(E) A registered nurse licensed under Chapter 4723. of the Revised Code;	20246 20247
(F) A licensed professional clinical counselor, a licensed professional counselor, an independent social worker, a social worker, an independent marriage and family therapist, or a marriage and family therapist licensed under Chapter 4757. of the Revised Code;	20248 20249 20250 20251 20252
(G) A school counselor licensed by the department of education pursuant to section 3319.22 of the Revised Code;	20253 20254
(H) A health education specialist certified by the national commission for health education credentialing;	20255 20256
<u>(I) An individual authorized to practice as a certified nurse practitioner or clinical nurse specialist under Chapter 4723. of the Revised Code.</u>	20257 20258 20259
<u>Sec. 4758.62. An individual who holds an independent chemical dependency counselor license and a gambling disorder endorsement may do all of the following:</u>	20260 20261 20262
<u>(A) Diagnose and treat gambling disorder conditions;</u>	20263
<u>(B) Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management, and educational services insofar as those functions relate to</u>	20264 20265 20266

<u>gambling disorders;</u>	20267
<u>(C) Supervise gambling disorder counseling; and</u>	20268
<u>(D) Refer individuals with other gambling conditions to</u>	20269
<u>appropriate sources of help.</u>	20270
<u>Sec. 4758.63. An individual who holds a chemical dependency</u>	20271
<u>counselor III license and a gambling disorder endorsement may do</u>	20272
<u>all of the following:</u>	20273
<u>(A) Treat gambling disorder conditions;</u>	20274
<u>(B) Diagnose gambling disorder conditions under supervision;</u>	20275
<u>(C) Perform treatment planning, assessment, crisis</u>	20276
<u>intervention, individual and group counseling, case management,</u>	20277
<u>and educational services insofar as those functions relate to</u>	20278
<u>gambling disorders;</u>	20279
<u>(D) Supervise gambling disorder counseling under supervision;</u>	20280
<u>and</u>	20281
<u>(E) Refer individuals with other gambling conditions to</u>	20282
<u>appropriate sources of help.</u>	20283
<u>The supervision required by divisions (B) and (D) of this</u>	20284
<u>section shall be provided by an independent chemical dependency</u>	20285
<u>counselor licensed under this chapter; an individual authorized to</u>	20286
<u>practice medicine and surgery or osteopathic medicine and surgery</u>	20287
<u>under Chapter 4731. of the Revised Code; a psychologist licensed</u>	20288
<u>under Chapter 4732. of the Revised Code; an individual authorized</u>	20289
<u>to practice as a certified nurse practitioner or clinical nurse</u>	20290
<u>specialist under Chapter 4723. of the Revised Code; a registered</u>	20291
<u>nurse licensed under Chapter 4723. of the Revised Code; or a</u>	20292
<u>professional clinical counselor, independent social worker, or</u>	20293
<u>independent marriage and family therapist licensed under Chapter</u>	20294
<u>4757. of the Revised Code.</u>	20295

An individual holding a chemical dependency counselor III license shall not practice as an individual practitioner. 20296
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Sec. 4758.64. An individual who holds a chemical dependency counselor II license and a gambling disorder endorsement may do all of the following: 20298
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(A) Treat gambling disorder conditions; 20301

(B) Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management, and educational services insofar as those functions relate to gambling disorders; and 20302
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(C) Refer individuals with other gambling conditions to appropriate sources of help. 20306
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An individual holding a chemical dependency II license shall not practice as an individual practitioner. 20308
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Sec. 4758.71. Nothing in this chapter or the rules adopted under it authorizes an individual who holds a license ~~or~~ certificate, or endorsement issued under this chapter to admit a patient to a hospital or requires a hospital to allow any such individual to admit a patient. 20310
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Sec. 4781.04. (A) The manufactured homes commission shall adopt rules pursuant to Chapter 119. of the Revised Code to do all of the following: 20315
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(1) Establish uniform standards that govern the installation of manufactured housing. Not later than one hundred eighty days after the secretary of the United States department of housing and urban development adopts model standards for the installation of manufactured housing or amends those standards, the commission shall amend its standards as necessary to be consistent with, and not less stringent than, the model standards for the design and 20318
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installation of manufactured housing the secretary adopts or any 20325
manufacturers' standards that the secretary determines are equal 20326
to or not less stringent than the model standards. 20327

(2) Govern the inspection of the installation of manufactured 20328
housing. The rules shall specify that the commission, any building 20329
department or personnel of any department, or any private third 20330
party, certified pursuant to section 4781.07 of the Revised Code 20331
shall conduct all inspections of the installation of manufactured 20332
housing located in manufactured home parks to determine compliance 20333
with the uniform installation standards the commission establishes 20334
pursuant to this section. 20335

(3) Govern the design, construction, installation, approval, 20336
and inspection of foundations and the base support systems for 20337
manufactured housing. The rules shall specify that the commission, 20338
any building department or personnel of any department, or any 20339
private third party, certified pursuant to section 4781.07 of the 20340
Revised Code shall conduct all inspections of the installation, 20341
foundations, and base support systems of manufactured housing 20342
located in manufactured home parks to determine compliance with 20343
the uniform installation standards and foundation and base support 20344
system design the commission establishes pursuant to this section. 20345

(4) Govern the training, experience, and education 20346
requirements for manufactured housing installers, manufactured 20347
housing dealers, manufactured housing brokers, and manufactured 20348
housing salespersons; 20349

(5) Establish a code of ethics for manufactured housing 20350
installers; 20351

(6) Govern the issuance, revocation, and suspension of 20352
licenses to manufactured housing installers; 20353

(7) Establish fees for the issuance and renewal of licenses, 20354
for conducting inspections to determine an applicant's compliance 20355

with this chapter and the rules adopted pursuant to it, and for 20356
the commission's expenses incurred in implementing this chapter; 20357

(8) Establish conditions under which a licensee may enter 20358
into contracts to fulfill the licensee's responsibilities; 20359

(9) Govern the investigation of complaints concerning any 20360
violation of this chapter or the rules adopted pursuant to it or 20361
complaints involving the conduct of any licensed manufactured 20362
housing installer or person installing manufactured housing 20363
without a license, licensed manufactured housing dealer, licensed 20364
manufactured housing broker, or manufactured housing salesperson; 20365

(10) Establish a dispute resolution program for the timely 20366
resolution of warranty issues involving new manufactured homes, 20367
disputes regarding responsibility for the correction or repair of 20368
defects in manufactured housing, and the installation of 20369
manufactured housing. The rules shall provide for the timely 20370
resolution of disputes between manufacturers, manufactured housing 20371
dealers, and installers regarding the correction or repair of 20372
defects in manufactured housing that are reported by the purchaser 20373
of the home during the one-year period beginning on the date of 20374
installation of the home. The rules also shall provide that 20375
decisions made regarding the dispute under the program are not 20376
binding upon the purchaser of the home or the other parties 20377
involved in the dispute unless the purchaser so agrees in a 20378
written acknowledgement that the purchaser signs and delivers to 20379
the program within ten business days after the decision is issued. 20380

(11) Establish the requirements and procedures for the 20381
certification of building departments and building department 20382
personnel pursuant to section 4781.07 of the Revised Code; 20383

(12) Establish fees to be charged to building departments and 20384
building department personnel applying for certification and 20385
renewal of certification pursuant to section 4781.07 of the 20386

Revised Code;	20387
(13) Develop a policy regarding the maintenance of records	20388
for any inspection authorized or conducted pursuant to this	20389
chapter. Any record maintained under division (A)(13) of this	20390
section shall be a public record under section 149.43 of the	20391
Revised Code.	20392
(14) Carry out any other provision of this chapter.	20393
(B) The manufactured homes commission shall do all of the	20394
following:	20395
(1) Prepare and administer a licensure examination to	20396
determine an applicant's knowledge of manufactured housing	20397
installation and other aspects of installation the commission	20398
determines appropriate;	20399
(2) Select, provide, or procure appropriate examination	20400
questions and answers for the licensure examination and establish	20401
the criteria for successful completion of the examination;	20402
(3) Prepare and distribute any application form this chapter	20403
requires;	20404
(4) Receive applications for licenses and renewal of licenses	20405
and issue licenses to qualified applicants;	20406
(5) Establish procedures for processing, approving, and	20407
disapproving applications for licensure;	20408
(6) Retain records of applications for licensure, including	20409
all application materials submitted and a written record of the	20410
action taken on each application;	20411
(7) Review the design and plans for manufactured housing	20412
installations, foundations, and support systems;	20413
(8) Inspect a sample of homes at a percentage the commission	20414
determines to evaluate the construction and installation of	20415
manufactured housing installations, foundations, and support	20416

systems to determine compliance with the standards the commission adopts;	20417 20418
(9) Investigate complaints concerning violations of this chapter or the rules adopted pursuant to it, or the conduct of any manufactured housing installer, manufactured housing dealer, manufactured housing broker, or manufactured housing salesperson;	20419 20420 20421 20422
(10) Determine appropriate disciplinary actions for violations of this chapter;	20423 20424
(11) Conduct audits and inquiries of manufactured housing installers, manufactured housing dealers, and manufactured housing brokers as appropriate for the enforcement of this chapter. The commission, or any person the commission employs for the purpose, may review and audit the business records of any manufactured housing installer, dealer, or broker during normal business hours.	20425 20426 20427 20428 20429 20430
(12) Approve an installation training course, which may be offered by the Ohio manufactured homes association or other entity;	20431 20432 20433
(13) Perform any function or duty necessary to administer this chapter and the rules adopted pursuant to it.	20434 20435
(C) <u>Nothing in this section, or in any rule adopted by the manufactured homes commission, shall be construed to limit the authority of a board of health to enforce section 3701.344 or Chapters 3703., 3718., and 3781. of the Revised Code or limit the authority of the department of administrative services to lease space for the use of a state agency and to group together state offices in any city in the state as provided in section 123.01 of the Revised Code.</u>	20436 20437 20438 20439 20440 20441 20442 20443
Sec. 4905.911. (A)(1) <u>Except as provided in division (A)(2) of this section:</u>	20444 20445
(a) The public utilities commission shall require an operator	20446

of either of the following types of pipelines that was completely 20447
constructed on or after ~~the effective date of this section~~ 20448
September 10, 2012, and that transports gas produced by a 20449
horizontal well to comply with the applicable pipe design 20450
requirements of 49 C.F.R. 192 subpart C: 20451

~~(a)~~(i) A gas gathering pipeline; 20452

~~(b)~~(ii) A processing plant gas stub pipeline. 20453

~~(2)~~(b) The commission shall also require the operator to do 20454
all of the following regarding that pipeline: 20455

~~(a)~~(i) Design, install, construct, initially inspect, and 20456
initially test the pipeline in accordance with the requirements of 20457
49 C.F.R. 192 if the pipeline is new, replaced, relocated, or 20458
otherwise changed; 20459

~~(b)~~(ii) Control corrosion according to requirements of 49 20460
C.F.R. 192 subpart I if the pipeline is metallic; 20461

~~(c)~~(iii) Establish and carry out a damage prevention program 20462
under 49 C.F.R. 192.614; 20463

~~(d)~~(iv) Establish and carry out a public education program 20464
under 49 C.F.R. 192.616; 20465

~~(e)~~(v) Establish the MAOP of the pipeline under 49 C.F.R. 20466
192.619; 20467

~~(f)~~(vi) Install and maintain pipeline markers according to 20468
the requirements for transmission lines under 49 C.F.R. 192.707; 20469

~~(g)~~(vii) Perform leakage surveys according to requirements in 20470
49 C.F.R. 192.706; 20471

~~(h)~~(viii) Retain a record of each required leakage survey 20472
conducted under division (A)~~(2)~~(~~(g)~~(1)(b)(vii) of this section and 20473
49 C.F.R. 192.706 for five years or until the next leakage survey 20474
is completed, whichever time period is longer. 20475

(2) The commission may, at its discretion and in accordance with subsection (d) of 49 U.S.C. 60118, waive compliance with a pipe design requirement of 49 C.F.R. 192 subpart C. 20476
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(B)(1) Any person who plans to construct a pipeline subject to division (A) of this section after ~~the effective date of this section~~ September 10, 2012, shall file with the public utilities commission division of pipeline safety a form approved by the division that includes all of the following information: 20479
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(a) The route of the proposed pipeline; 20484

(b) The MAOP of the pipeline; 20485

(c) The outside diameter of the pipeline; 20486

(d) The wall thickness of the pipeline; 20487

(e) The material that the pipeline will be made of; 20488

(f) The yield strength of the pipeline. 20489

The form shall be filed with the division not later than twenty-one days prior to the commencement of construction of the pipeline. 20490
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(2) Not later than sixty days after the completion of construction of a pipeline subject to division (B)(1) of this section, the operator of the pipeline shall file with the public utilities commission division of pipeline safety an explanation of the constructed pipeline's route and operating information. 20493
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(C) For purposes of this section: 20498

(1) "Horizontal well" has the same meaning as in section 1509.01 of the Revised Code. 20499
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(2) "Operator" means any person that owns, operates, manages, controls, or leases a gas gathering pipeline or a processing plant gas stub pipeline. 20501
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Sec. 4906.20. (A) No person shall commence to construct an 20504
economically significant wind farm in this state without first 20505
having obtained a certificate from the power siting board. An 20506
economically significant wind farm with respect to which such a 20507
certificate is required shall be constructed, operated, and 20508
maintained in conformity with that certificate and any terms, 20509
conditions, and modifications it contains. A certificate shall be 20510
issued only pursuant to this section. The certificate may be 20511
transferred, subject to the approval of the board, to a person 20512
that agrees to comply with those terms, conditions, and 20513
modifications. 20514

(B) The board shall adopt rules governing the certificating 20515
of economically significant wind farms under this section. Initial 20516
rules shall be adopted within one hundred twenty days after June 20517
24, 2008. 20518

(1) The rules shall provide for an application process for 20519
certificating economically significant wind farms that is 20520
identical to the extent practicable to the process applicable to 20521
certificating major utility facilities under sections 4906.06, 20522
4906.07, 4906.08, 4906.09, 4906.10, 4906.11, and 4906.12 of the 20523
Revised Code and shall prescribe a reasonable schedule of 20524
application filing fees structured in the manner of the schedule 20525
of filing fees required for major utility facilities. 20526

(2) Additionally, the rules shall prescribe reasonable 20527
regulations regarding any wind turbines and associated facilities 20528
of an economically significant wind farm, including, but not 20529
limited to, their location, erection, construction, 20530
reconstruction, change, alteration, maintenance, removal, use, or 20531
enlargement and including erosion control, aesthetics, 20532
recreational land use, wildlife protection, interconnection with 20533
power lines and with regional transmission organizations, 20534

independent transmission system operators, or similar 20535
organizations, ice throw, sound and noise levels, blade shear, 20536
shadow flicker, decommissioning, and necessary cooperation for 20537
site visits and enforcement investigations. ~~The~~ 20538

(a) The rules also shall prescribe a minimum setback for a 20539
wind turbine of an economically significant wind farm. That 20540
minimum shall be equal to a horizontal distance, from the 20541
turbine's base to the property line of the wind farm property, 20542
equal to one and one-tenth times the total height of the turbine 20543
structure as measured from its base to the tip of its highest 20544
blade and be at least one thousand one hundred twenty-five feet in 20545
horizontal distance from the tip of the turbine's nearest blade at 20546
ninety degrees to ~~the exterior of~~ property line of the nearest, 20547
~~habitable, residential structure, if any, located on~~ adjacent 20548
property at the time of the certification application. ~~For~~ 20549

(b)(i) For any existing certificates and amendments thereto, 20550
and existing certification applications that have been found by 20551
the chairperson to be in compliance with division (A) of section 20552
4906.06 of the Revised Code before the effective date of the 20553
amendment of this section by H.B. 59 of the 130th general 20554
assembly, September 29, 2013, the distance shall be seven hundred 20555
fifty feet instead of one thousand one hundred twenty-five feet. 20556
~~The~~ 20557

(ii) For certification applications that have been found by 20558
the chairperson to be in compliance with division (A) of section 20559
4906.06 of the Revised Code before the effective date of the 20560
amendment of this section by H.B. 483 of the 130th general 20561
assembly, the measurement shall be to the exterior of the nearest, 20562
habitable, residential structure, if any, located on adjacent 20563
property instead of to the property line of the nearest adjacent 20564
property. 20565

(c) The setback shall apply in all cases except those in 20566

which all owners of property adjacent to the wind farm property 20567
waive application of the setback to that property pursuant to a 20568
procedure the board shall establish by rule and except in which, 20569
in a particular case, the board determines that a setback greater 20570
than the minimum is necessary. 20571

Sec. 4906.201. (A) An electric generating plant that consists 20572
of wind turbines and associated facilities with a single 20573
interconnection to the electrical grid that is designed for, or 20574
capable of, operation at an aggregate capacity of fifty megawatts 20575
or more is subject to the minimum setback requirements established 20576
in rules adopted by the power siting board under division (B)(2) 20577
of section 4906.20 of the Revised Code. ~~For~~ 20578

(B)(1) For any existing certificates and amendments thereto, 20579
and existing certification applications that have been found by 20580
the chairperson to be in compliance with division (A) of section 20581
4906.06 of the Revised Code before the effective date of the 20582
amendment of this section by H.B. 59 of the 130th general 20583
assembly, September 29, 2013, the distance shall be seven hundred 20584
fifty feet instead of one thousand one hundred twenty-five feet. 20585

(2) For certification applications that have been found by 20586
the chairperson to be in compliance with division (A) of section 20587
4906.06 of the Revised Code before the effective date of the 20588
amendment of this section by H.B. 483 of the 130th general 20589
assembly, the measurement shall be to the exterior of the nearest, 20590
habitable, residential structure, if any, located on adjacent 20591
property instead of to the property line of the nearest adjacent 20592
property. 20593

Sec. 4923.02. (A) As used in this chapter, "private motor 20594
carrier" does not include a person when engaged in any of the 20595
following in intrastate commerce: 20596

(1) The transportation of persons in taxicabs in the usual taxicab service;	20597 20598
(2) The transportation of pupils in school busses operating to or from school sessions or school events;	20599 20600
(3) The transportation of farm supplies to the farm or farm products from farm to market or to food fabricating plants;	20601 20602
(4) The distribution of newspapers;	20603
(5) The transportation of crude petroleum incidental to gathering from wells and delivery to destination by pipe line;	20604 20605
(6) The transportation of injured, ill, or deceased persons by hearse or ambulance;	20606 20607
(7) The transportation of compost (a combination of manure and sand or shredded bark mulch) or shredded bark mulch;	20608 20609
(8) The transportation of persons in a ridesharing arrangement when any fee charged each person so transported is in such amount as to recover only the person's share of the costs of operating the motor vehicle for such purpose;	20610 20611 20612 20613
(9) The operation of motor vehicles for contractors on public road work.	20614 20615
(B) The public utilities commission may grant a motor carrier operating in intrastate commerce a temporary exemption from some or all of the provisions of this chapter and the rules adopted under it, when either of the following applies:	20616 20617 20618 20619
(1) The governor of this state has declared an emergency.	20620
(2) The chairperson of the commission or the chairperson's designee has declared a transportation-specific emergency.	20621 20622
(C) The commission may adopt rules not incompatible with the requirements of the United States department of transportation to provide exemptions to motor carriers operating in intrastate	20623 20624 20625

commerce not otherwise identified in divisions (A) and (B) of this section. 20626
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(D) Divisions (A) to (C) of this section shall not be construed to relieve a person from compliance with ~~either of the~~ following: 20628
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(1) Rules adopted under division (A)(2) of section 4923.04 of the Revised Code, division (E) of section 4923.06 of the Revised Code, division (B) of section 4923.07 of the Revised Code, and section 4923.11 of the Revised Code; 20631
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(2) Rules regarding commercial driver's licenses adopted under division (A)(1) of section 4923.04 of the Revised Code; 20635
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(3) Rules adopted under section 4921.15 of the Revised Code regarding uniform registration and permitting of carriers of hazardous materials and other applicable provisions of that section and division (H) of section 4921.19 of the Revised Code. 20637
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Sec. 5101.345. (A) There is hereby created in the department of job and family services the Ohio family stability commission. The commission shall consist of four members of the general assembly and twenty-one individuals who are government agency representatives, private citizens, or elected officials other than members of the general assembly. 20641
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Of the general assembly members, two shall be appointed by the president of the senate, each from a different political party, and two shall be appointed by the speaker of the house of representatives, each from a different political party. 20647
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The remaining members shall be appointed by the governor as follows: 20651
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(1) Two with expertise in out-of-wedlock births; 20653

(2) Two with expertise in marital divorce; 20654

<u>(3) One with expertise in education;</u>	20655
<u>(4) One with expertise in employment;</u>	20656
<u>(5) One with expertise in child support;</u>	20657
<u>(6) One with expertise in child custody;</u>	20658
<u>(7) One with expertise in child abuse and neglect;</u>	20659
<u>(8) One with expertise in domestic violence;</u>	20660
<u>(9) Two with expertise in the judicial system;</u>	20661
<u>(10) Two with expertise in criminal justice;</u>	20662
<u>(11) Two with expertise in faith-based initiatives;</u>	20663
<u>(12) Two with expertise in fatherhood programs;</u>	20664
<u>(13) Two with expertise in philanthropic or nonprofit</u> <u>management;</u>	20665 20666
<u>(14) One with expertise in mass media or communications.</u>	20667
<u>Commission members shall serve at the pleasure of their</u>	20668
<u>appointing authorities. Vacancies shall be filled in the manner</u>	20669
<u>provided for original appointments. Members shall serve without</u>	20670
<u>compensation, except to the extent that serving on the commission</u>	20671
<u>is considered part of their regular duties of employment.</u>	20672
<u>(B) The commission shall be staffed by personnel of the</u>	20673
<u>department of job and family services. This division does not</u>	20674
<u>require the department to employ personnel the department</u>	20675
<u>otherwise would not have employed.</u>	20676
<u>(C)(1) During its first year of operation, the commission</u>	20677
<u>shall conduct research and formulate recommendations for</u>	20678
<u>consideration by the general assembly, appropriate state agencies,</u>	20679
<u>and other appropriate entities concerning societal issues that</u>	20680
<u>impact the stability of families in this state. The</u>	20681
<u>recommendations shall provide the general assembly, appropriate</u>	20682
<u>state agencies, and other appropriate entities with strategies,</u>	20683

both legal and otherwise, for addressing the issues. 20684

At a minimum, the commission's research and recommendations shall address all of the following: 20685
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(a) The divorce rate in this state and strategies for reducing the divorce rate; 20687
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(b) The birth rate among unmarried individuals in this state and strategies for reducing the number of births occurring outside of marriage; 20689
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(c) The rate of domestic violence, including child abuse, in this state and strategies for reducing that rate; 20692
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(d) Issues concerning child custody and child support. 20694

(2) During its second year of operation, the commission shall advise the general assembly, appropriate state agencies, and other appropriate entities on ways to implement the recommendations formulated under division (C)(1) of this section. 20695
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(3) During its third year of operation, the commission shall continue to provide advice regarding implementation of the recommendations formulated under division (C)(1) of this section and begin monitoring implementation. 20699
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At the end of its third year of operation, the commission shall issue a report to the general assembly regarding the status of the implementation of the recommendations. 20703
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(4) During its fourth year of operation, the commission shall conduct activities to ensure continued implementation of the recommendations formulated under division (C)(1) of this section and, if applicable, enforcement of the recommendations. 20706
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At the end of its fourth year of operation, the commission shall issue a report to the general assembly regarding the status of the implementation of the recommendations. 20710
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Sec. 5101.90. (A) As used in this section, "public assistance" has the same meaning as in section 5101.26 of the Revised Code. 20713
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(B) The department of job and family services shall establish an evaluation system that rates both of the following in terms of their success with helping public assistance recipients obtain employment that enables the recipients to cease relying on public assistance: 20716
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(1) Individual caseworkers employed by county departments of job and family services; 20721
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(2) Each county department of job and family services. 20723

(C) The department shall design the evaluation system established under this section in a manner that encourages caseworkers and county departments to increase their success with helping public assistance recipients obtain employment that enables the recipients to cease relying on public assistance. The system shall provide for caseworkers' and county departments' ratings under the system to be updated at least annually. 20724
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Sec. 5103.05. (A) As used in this section and section 5103.051 of the Revised Code: 20731
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(1) "Children's residential center" means a facility that is operated by a private child placing agency, private noncustodial agency, or public children services agency, that has been certified by the department of job and family services to operate a children's residential center, and in which eleven or more children, including the children of any staff residing at the facility, are given nonsecure care and supervision twenty-four hours a day. 20733
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(2) "Children's crisis care facility" has the same meaning as in section 5103.13 of the Revised Code. 20741
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(3) "County children's home" means a facility established 20743
under section 5153.21 of the Revised Code. 20744

(4) "District children's home" means a facility established 20745
under section 5153.42 of the Revised Code. 20746

(5) "Group home for children" means any public or private 20747
facility that is operated by a private child placing agency, 20748
private noncustodial agency, or public children services agency, 20749
that has been certified by the department to operate a group home 20750
for children, and that meets all of the following criteria: 20751

(a) Gives, for compensation, a maximum of ten children, 20752
including the children of the operator or any staff who reside in 20753
the facility, nonsecure care and supervision twenty-four hours a 20754
day by a person or persons who are unrelated to the children by 20755
blood or marriage, or who is not the appointed guardian of any of 20756
the children; 20757

(b) Is not certified as a foster home; 20758

(c) Receives or cares for children for two or more 20759
consecutive weeks. 20760

"Group home for children" does not include any facility that 20761
provides care for children from only a single-family group, placed 20762
at the facility by the children's parents or other relative having 20763
custody. 20764

(6) "Residential facility" means a group home for children, 20765
children's crisis care facility, children's residential center, 20766
residential parenting facility that provides twenty-four-hour 20767
child care, county children's home, or district children's home. A 20768
foster home is not a residential facility. 20769

(7) "Residential parenting facility" means a facility 20770
operated by a private child placing agency, private noncustodial 20771
agency, or public children services agency, that has been 20772

certified by the department to operate a residential parenting facility, in which teenage mothers and their children reside for the purpose of keeping mother and child together, teaching parenting and life skills to the mother, and assisting teenage mothers in obtaining educational or vocational training and skills. 20773
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(8) "Nonsecure care and supervision" means care and supervision of a child in a residential facility that does not confine or prevent movement of the child within the facility or from the facility. 20779
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(B) Within ten days after the commencement of operations at a residential facility, the facility shall provide the following to all county, municipal, or township law enforcement agencies, emergency management agencies, and fire departments with jurisdiction over the facility: 20783
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(1) Written notice that the facility is located and will be operating in the agency's or department's jurisdiction. The written notice shall provide the address of the facility, identify the facility as a group home for children, children's crisis care facility, children's residential center, residential parenting facility, county children's home, or district children's home, and provide contact information for the facility. 20788
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(2) A copy of the facility's procedures for emergencies and disasters established pursuant to rules adopted under section 5103.03 of the Revised Code; 20795
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(3) A copy of the facility's medical emergency plan established pursuant to rules adopted under section 5103.03 of the Revised Code; 20798
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(4) A copy of the facility's community engagement plan established pursuant to rules adopted under section 5103.051 of the Revised Code. 20801
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(C) Within ten days of a facility's recertification by the department, the facility shall provide to all county, municipal, or township law enforcement agencies, emergency management agencies, and fire departments with jurisdiction over the facility updated copies of the information required to be provided under divisions (B)(2), (3), and (4) of this section.

(D) The department may adopt rules in accordance with Chapter 119. of the Revised Code necessary to implement this section.

Sec. 5103.051. (A) Each private child placing agency, private noncustodial agency, public children services agency, or superintendent of a county or district children's home shall establish a community engagement plan in accordance with rules adopted under division (B) of this section for each residential facility the agency, entity, or superintendent operates.

(B)(1) The department of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code that establish the following:

(a) The contents of a community engagement plan to be established under division (A) of this section that includes the following:

(i) Protocols for the community in which a residential facility is located to communicate concerns or other pertinent information directly to the agency or entity;

(ii) Protocols for the agency or entity in responding to a communication made under division (B)(1)(a)(i) of this section.

(b) Orientation procedures for training residential facility staff on the implementation of the community engagement plan established under division (A) of this section and procedures for responding to incidents involving a child at the facility and neighbors or the police.

(2) The department shall file initial rules adopted under 20834
division (B)(1) of this section within ninety days after the 20835
effective date of this section. 20836

Sec. 5104.03. (A) Any person, firm, organization, 20837
institution, or agency seeking to establish a child day-care 20838
center, type A family day-care home, or licensed type B family 20839
day-care home shall apply for a license to the director of job and 20840
family services on such form as the director prescribes. The 20841
director shall provide at no charge to each applicant for 20842
licensure a copy of the child care license requirements in this 20843
chapter and a copy of the rules adopted pursuant to this chapter. 20844
The copies may be provided in paper or electronic form. 20845

Fees shall be set by the director pursuant to sections 20846
5104.015, 5104.017, and 5104.018 of the Revised Code and shall be 20847
paid at the time of application for a license to operate a center, 20848
type A home, or type B home. Fees collected under this section 20849
shall be paid into the state treasury to the credit of the general 20850
revenue fund. 20851

(B)(1) Upon filing of the application for a license, the 20852
director shall investigate and inspect the center, type A home, or 20853
type B home to determine the license capacity for each age 20854
category of children of the center, type A home, or type B home 20855
and to determine whether the center, type A home, or type B home 20856
complies with this chapter and rules adopted pursuant to this 20857
chapter. When, after investigation and inspection, the director is 20858
satisfied that this chapter and rules adopted pursuant to it are 20859
complied with, subject to division (H) of this section, a license 20860
shall be issued as soon as practicable in such form and manner as 20861
prescribed by the director. The license shall be designated as 20862
provisional and shall be valid for twelve months from the date of 20863
issuance unless revoked. 20864

(2) The director may contract with a government entity or a private nonprofit entity for the entity to inspect ~~and license~~ type B family day-care homes pursuant to this section. If the director contracts with a government entity or private nonprofit entity for that purpose, the entity may contract with another government entity or private nonprofit entity for the other entity to inspect type B homes pursuant to this section. The ~~department~~ director, government entity, or private nonprofit entity shall conduct ~~the~~ an inspection prior to the issuance of a license for ~~the~~ a type B home and, as part of that inspection, ensure that the type B home is safe and sanitary.

(C)(1) On receipt of an application for licensure as a type B family day-care home to provide publicly funded child care, the ~~department~~ director shall search the uniform statewide automated child welfare information system for information concerning any abuse or neglect report made pursuant to section 2151.421 of the Revised Code of which the applicant, any other adult residing in the applicant's home, or a person designated by the applicant to be an emergency or substitute caregiver for the applicant is the subject.

(2) The ~~department~~ director shall consider any information ~~it~~ discovers discovered pursuant to division (C)(1) of this section or that is provided by a public children services agency pursuant to section 5153.175 of the Revised Code. If the ~~department~~ director determines that the information, when viewed within the totality of the circumstances, reasonably leads to the conclusion that the applicant may directly or indirectly endanger the health, safety, or welfare of children, the ~~department~~ director shall deny the application for licensure or revoke the license of a type B family day-care home.

(D) The director shall investigate and inspect the center, type A home, or type B home at least once during operation under a

license designated as provisional. If after the investigation and 20897
inspection the director determines that the requirements of this 20898
chapter and rules adopted pursuant to this chapter are met, 20899
subject to division (H) of this section, the director shall issue 20900
a new license to the center or home. 20901

(E) Each license shall state the name of the licensee, the 20902
name of the administrator, the address of the center, type A home, 20903
or licensed type B home, and the license capacity for each age 20904
category of children. The license shall include thereon, in 20905
accordance with sections 5104.015, 5104.017, and 5104.018 of the 20906
Revised Code, the toll-free telephone number to be used by persons 20907
suspecting that the center, type A home, or licensed type B home 20908
has violated a provision of this chapter or rules adopted pursuant 20909
to this chapter. A license is valid only for the licensee, 20910
administrator, address, and license capacity for each age category 20911
of children designated on the license. The license capacity 20912
specified on the license is the maximum number of children in each 20913
age category that may be cared for in the center, type A home, or 20914
licensed type B home at one time. 20915

The center or type A home licensee shall notify the director 20916
when the administrator of the center or home changes. The director 20917
shall amend the current license to reflect a change in an 20918
administrator, if the administrator meets the requirements of this 20919
chapter and rules adopted pursuant to this chapter, or a change in 20920
license capacity for any age category of children as determined by 20921
the director of job and family services. 20922

(F) If the director revokes the license of a center, a type A 20923
home, or a type B home, the director shall not issue another 20924
license to the owner of the center, type A home, or type B home 20925
until five years have elapsed from the date the license is 20926
revoked. 20927

If the director denies an application for a license, the 20928

director shall not accept another application from the applicant 20929
until five years have elapsed from the date the application is 20930
denied. 20931

(G) If during the application for licensure process the 20932
director determines that the license of the owner has been 20933
revoked, the investigation of the center, type A home, or type B 20934
home shall cease. This action does not constitute denial of the 20935
application and may not be appealed under division (H) of this 20936
section. 20937

(H) All actions of the director with respect to licensing 20938
centers, type A homes, or type B homes, refusal to license, and 20939
revocation of a license shall be in accordance with Chapter 119. 20940
of the Revised Code. Any applicant who is denied a license or any 20941
owner whose license is revoked may appeal in accordance with 20942
section 119.12 of the Revised Code. 20943

(I) In no case shall the director issue a license under this 20944
section for a center, type A home, or type B home if the director, 20945
based on documentation provided by the appropriate county 20946
department of job and family services, determines that the 20947
applicant had been certified as a type B family day-care home when 20948
such certifications were issued by county departments prior to 20949
January 1, 2014, that the county department revoked that 20950
certification within the immediately preceding five years, that 20951
the revocation was based on the applicant's refusal or inability 20952
to comply with the criteria for certification, and that the 20953
refusal or inability resulted in a risk to the health or safety of 20954
children. 20955

(J)(1) Except as provided in division (J)(2) of this section, 20956
an administrator of a type B family day-care home that receives a 20957
license pursuant to this section to provide publicly funded child 20958
care is an independent contractor and is not an employee of the 20959
department of job and family services. 20960

(2) For purposes of Chapter 4141. of the Revised Code, 20961
determinations concerning the employment of an administrator of a 20962
type B family day-care home that receives a license pursuant to 20963
this section shall be determined under Chapter 4141. of the 20964
Revised Code. 20965

Sec. 5104.34. (A)(1) Each county department of job and family 20966
services shall implement procedures for making determinations of 20967
eligibility for publicly funded child care. Under those 20968
procedures, the eligibility determination for each applicant shall 20969
be made no later than thirty calendar days from the date the 20970
county department receives a completed application for publicly 20971
funded child care. Each applicant shall be notified promptly of 20972
the results of the eligibility determination. An applicant 20973
aggrieved by a decision or delay in making an eligibility 20974
determination may appeal the decision or delay to the department 20975
of job and family services in accordance with section 5101.35 of 20976
the Revised Code. The due process rights of applicants shall be 20977
protected. 20978

To the extent permitted by federal law, the county department 20979
may make all determinations of eligibility for publicly funded 20980
child care, may contract with child care providers or child care 20981
resource and referral service organizations for the providers or 20982
resource and referral service organizations to make all or any 20983
part of the determinations, and may contract with child care 20984
providers or child care resource and referral service 20985
organizations for the providers or resource and referral service 20986
organizations to collect specified information for use by the 20987
county department in making determinations. If a county department 20988
contracts with a child care provider or a child care resource and 20989
referral service organization for eligibility determinations or 20990
for the collection of information, the contract shall require the 20991
provider or resource and referral service organization to make 20992

each eligibility determination no later than thirty calendar days 20993
from the date the provider or resource and referral organization 20994
receives a completed application that is the basis of the 20995
determination and to collect and transmit all necessary 20996
information to the county department within a period of time that 20997
enables the county department to make each eligibility 20998
determination no later than thirty days after the filing of the 20999
application that is the basis of the determination. 21000

The county department may station employees of the department 21001
in various locations throughout the county to collect information 21002
relevant to applications for publicly funded child care and to 21003
make eligibility determinations. The county department, child care 21004
provider, and child care resource and referral service 21005
organization shall make each determination of eligibility for 21006
publicly funded child care no later than thirty days after the 21007
filing of the application that is the basis of the determination, 21008
shall make each determination in accordance with any relevant 21009
rules adopted pursuant to section 5104.38 of the Revised Code, and 21010
shall notify promptly each applicant for publicly funded child 21011
care of the results of the determination of the applicant's 21012
eligibility. 21013

The director of job and family services shall adopt rules in 21014
accordance with Chapter 119. of the Revised Code for monitoring 21015
the eligibility determination process. In accordance with those 21016
rules, the state department shall monitor eligibility 21017
determinations made by county departments of job and family 21018
services and shall direct any entity that is not in compliance 21019
with this division or any rule adopted under this division to 21020
implement corrective action specified by the department. 21021

(2)(a) All eligibility determinations for publicly funded 21022
child care shall be made in accordance with rules adopted pursuant 21023
to division (A) of section 5104.38 of the Revised Code ~~and, if a~~ 21024

~~county department of job and family services specifies, pursuant to rules adopted under division (B) of that section, a maximum amount of income a family may have to be eligible for publicly funded child care, the income maximum specified by the county department. Publicly~~ Except as otherwise provided in this section, both of the following apply:

(i) Publicly funded child care may be provided only to eligible infants, toddlers, preschool-age children, and school-age children under age thirteen. ~~For~~

(ii) For an applicant to be eligible for publicly funded child care, the caretaker parent must be employed or participating in a program of education or training for an amount of time reasonably related to the time that the parent's children are receiving publicly funded child care. This restriction does not apply to families whose children are eligible for protective child care.

(b) In accordance with rules adopted under division (B) of section 5104.38 of the Revised Code, an applicant may receive publicly funded child care while the county department determines eligibility. An applicant may receive publicly funded child care while a county department determines eligibility only once during a twelve-month period. If the county department determines that an applicant is not eligible for publicly funded child care, the licensed child care program shall be paid for providing publicly funded child care for up to five days after that determination if the county department received a completed application with all required documentation. A program may appeal a denial of payment under this division.

(c) If a caretaker parent who has been determined eligible to receive publicly funded child care no longer meets the requirements of division (A)(2)(a)(ii) of this section, the caretaker parent may continue to receive publicly funded child

care for a period of up to thirteen weeks not to extend beyond the 21057
caretaker parent's twelve-month eligibility period. Such 21058
authorization may be given only once during a twelve-month period. 21059

Subject to available funds, ~~a county~~ the department of job 21060
and family services shall allow a family to receive publicly 21061
funded child care unless the family's income exceeds the maximum 21062
income eligibility limit. Initial and continued eligibility for 21063
publicly funded child care is subject to available funds unless 21064
the family is receiving child care pursuant to division (A)(1), 21065
(2), (3), or (4) of section 5104.30 of the Revised Code. If the 21066
~~county~~ department must limit eligibility due to lack of available 21067
funds, it shall give first priority for publicly funded child care 21068
to an assistance group whose income is not more than the maximum 21069
income eligibility limit that received transitional child care in 21070
the previous month but is no longer eligible because the 21071
twelve-month period has expired. Such an assistance group shall 21072
continue to receive priority for publicly funded child care until 21073
its income exceeds the maximum income eligibility limit. 21074

(3) An assistance group that ceases to participate in the 21075
Ohio works first program established under Chapter 5107. of the 21076
Revised Code is eligible for transitional child care at any time 21077
during the immediately following twelve-month period that both of 21078
the following apply: 21079

(a) The assistance group requires child care due to 21080
employment; 21081

(b) The assistance group's income is not more than one 21082
hundred fifty per cent of the federal poverty line. 21083

An assistance group ineligible to participate in the Ohio 21084
works first program pursuant to section 5101.83 or section 5107.16 21085
of the Revised Code is not eligible for transitional child care. 21086

(B) To the extent permitted by federal law, ~~a county~~ the 21087

department of job and family services may require a caretaker 21088
parent determined to be eligible for publicly funded child care to 21089
pay a fee according to the schedule of fees established in rules 21090
adopted under section 5104.38 of the Revised Code. ~~Each county~~ The 21091
department shall make protective child care services available to 21092
children without regard to the income or assets of the caretaker 21093
parent of the child. 21094

(C) A caretaker parent receiving publicly funded child care 21095
shall report to the entity that determined eligibility any changes 21096
in status with respect to employment or participation in a program 21097
of education or training not later than ten calendar days after 21098
the change occurs. 21099

(D) If ~~a county~~ the department of job and family services 21100
determines that available resources are not sufficient to provide 21101
publicly funded child care to all eligible families who request 21102
it, the ~~county~~ department may establish a waiting list. ~~A county~~ 21103
The department may establish separate waiting lists within the 21104
waiting list based on income. ~~When resources become available to~~ 21105
~~provide publicly funded child care to families on the waiting~~ 21106
~~list, a county department that establishes a waiting list shall~~ 21107
~~assess the needs of the next family scheduled to receive publicly~~ 21108
~~funded child care. If the assessment demonstrates that the family~~ 21109
~~continues to need and is eligible for publicly funded child care,~~ 21110
~~the county department shall offer it to the family. If the county~~ 21111
~~department determines that the family is no longer eligible or no~~ 21112
~~longer needs publicly funded child care, the county department~~ 21113
~~shall remove the family from the waiting list.~~ 21114

(E) A caretaker parent shall not receive full-time publicly 21115
funded child care from more than one child care provider per child 21116
during any period. 21117

(F) As used in this section, "maximum income eligibility 21118
limit" means the amount of income specified in rules adopted under 21119

division (A) of section 5104.38 of the Revised Code ~~or, if a~~ 21120
~~county department of job and family services specifies a higher~~ 21121
~~amount pursuant to rules adopted under division (B) of that~~ 21122
~~section, the amount the county department specifies.~~ 21123

Sec. 5104.341. (A) ~~Except as provided in division (B) of this~~ 21124
~~section, both of the following apply:~~ 21125

~~(1)~~ An eligibility determination made under section 5104.34 21126
of the Revised Code for publicly funded child care is valid for 21127
one year. 21128

~~(2).~~ 21129

(B) The county department of job and family services shall 21130
adjust the appropriate level of a fee charged under division (B) 21131
of section 5104.34 of the Revised Code if a caretaker parent 21132
reports changes in income, family size, or both. 21133

~~(B) Division (A) of this section does not apply if the~~ 21134
~~recipient of the publicly funded child care ceases to be eligible~~ 21135
~~for publicly funded child care.~~ 21136

Sec. 5104.38. In addition to any other rules adopted under 21137
this chapter, the director of job and family services shall adopt 21138
rules in accordance with Chapter 119. of the Revised Code 21139
governing financial and administrative requirements for publicly 21140
funded child care and establishing all of the following: 21141

(A) Procedures and criteria to be used in making 21142
determinations of eligibility for publicly funded child care that 21143
give priority to children of families with lower incomes and 21144
procedures and criteria for eligibility for publicly funded 21145
protective child care. The rules shall specify the maximum amount 21146
of income a family may have for initial and continued eligibility. 21147
The maximum amount shall not exceed two hundred per cent of the 21148
federal poverty line. The rules may specify exceptions to the 21149

eligibility requirements in the case of a family that previously 21150
received publicly funded child care and is seeking to have the 21151
child care reinstated after the family's eligibility was 21152
terminated. 21153

(B) ~~Procedures under which a county department of job and 21154
family services may, if the department, under division (A) of this 21155
section, specifies a maximum amount of income a family may have 21156
for eligibility for publicly funded child care that is less than 21157
the maximum amount specified in that division, specify a maximum 21158
amount of income a family residing in the county the county 21159
department serves may have for initial and continued eligibility 21160
for publicly funded child care that is higher than the amount 21161
specified by the department but does not exceed the maximum amount 21162
specified in division (A) of this section an applicant for 21163
publicly funded child care may receive publicly funded child care 21164
while the county department of job and family services determines 21165
eligibility and under which a licensed child care program may 21166
appeal a denial of payment under division (A)(2)(b) of section 21167
5104.34 of the Revised Code; 21168~~

(C) A schedule of fees requiring all eligible caretaker 21169
parents to pay a fee for publicly funded child care according to 21170
income and family size, which shall be uniform for all types of 21171
publicly funded child care, except as authorized by rule, and, to 21172
the extent permitted by federal law, shall permit the use of state 21173
and federal funds to pay the customary deposits and other advance 21174
payments that a provider charges all children who receive child 21175
care from that provider. The schedule of fees may not provide for 21176
a caretaker parent to pay a fee that exceeds ten per cent of the 21177
parent's family income. 21178

(D) A formula for determining the amount of state and federal 21179
funds appropriated for publicly funded child care that may be 21180
allocated to a county department to use for administrative 21181

purposes;	21182
(E) Procedures to be followed by the department and county departments in recruiting individuals and groups to become providers of child care;	21183 21184 21185
(F) Procedures to be followed in establishing state or local programs designed to assist individuals who are eligible for publicly funded child care in identifying the resources available to them and to refer the individuals to appropriate sources to obtain child care;	21186 21187 21188 21189 21190
(G) Procedures to deal with fraud and abuse committed by either recipients or providers of publicly funded child care;	21191 21192
(H) Procedures for establishing a child care grant or loan program in accordance with the child care block grant act;	21193 21194
(I) Standards and procedures for applicants to apply for grants and loans, and for the department to make grants and loans;	21195 21196
(J) A definition of "person who stands in loco parentis" for the purposes of division (KK)(1) of section 5104.01 of the Revised Code;	21197 21198 21199
(K) Procedures for a county department of job and family services to follow in making eligibility determinations and redeterminations for publicly funded child care available through telephone, computer, and other means at locations other than the county department;	21200 21201 21202 21203 21204
(L) If the director establishes a different reimbursement ceiling under division (E)(3)(d) of section 5104.30 of the Revised Code, standards and procedures for determining the amount of the higher payment that is to be issued to a child care provider based on the special needs of the child being served;	21205 21206 21207 21208 21209
(M) To the extent permitted by federal law, procedures for paying for up to thirty days of child care for a child whose	21210 21211

caretaker parent is seeking employment, taking part in employment 21212
orientation activities, or taking part in activities in 21213
anticipation of enrolling in or attending an education or training 21214
program or activity, if the employment or the education or 21215
training program or activity is expected to begin within the 21216
thirty-day period; 21217

(N) Any other rules necessary to carry out sections 5104.30 21218
to 5104.43 of the Revised Code. 21219

Sec. 5119.40. (A) As used in this section, ~~"mentally and~~ 21220
section 5119.401 of the Revised Code: 21221

(1) "Mentally ill individual" and "specialized services" have 21222
the same meanings as in section 5165.03 of the Revised Code. 21223

(2) "Nursing facility" has the same meaning as in section 21224
5165.01 of the Revised Code. 21225

(B)(1) Except as provided in division (B)(2) of this section 21226
~~and, in~~ rules adopted under division (E)(3) of this section, and 21227
in section 5119.401 of the Revised Code, for purposes of section 21228
5165.03 of the Revised Code, the department of mental health and 21229
addiction services shall determine in accordance with the "Social 21230
Security Act," section 1919(e)(7), 42 U.S.C. 1396r(e)(7), and 21231
regulations adopted under section 1919(f)(8)(A) of that act, 42 21232
U.S.C. 1396r(f)(8)(A), whether, because of the individual's 21233
physical and mental condition, a mentally ill individual seeking 21234
admission to a nursing facility requires the level of services 21235
provided by a nursing facility and, if the individual requires 21236
that level of services, whether the individual requires 21237
specialized services for mental illness. The determination 21238
required by this division shall be based on an independent 21239
physical and mental evaluation performed by a person or entity 21240
other than the department. 21241

(2) Except as provided in division (B)(3) of this section, a determination under division (B)(1) of this section is not required for any of the following:

(a) An individual seeking readmission to a nursing facility after having been transferred from a nursing facility to a hospital for care;

(b) An individual who meets all of the following conditions:

(i) The individual is admitted to the nursing facility directly from a hospital after receiving inpatient care at the hospital;

(ii) The individual requires nursing facility services for the condition for which care in the hospital was received;

(iii) The individual's attending physician has certified, before admission to the nursing facility, that the individual is likely to require less than thirty days of nursing facility services.

(c) An individual transferred from one nursing facility to another nursing facility, with or without an intervening hospital stay.

(3) A Except as provided in section 5119.401 of the Revised Code, a determination under division (B)(1) of this section is required for an individual described in division (B)(2)(a) or (b) of this section if the hospital from which the individual is transferred or directly admitted to a nursing facility is either of the following:

(a) A hospital that the department maintains, operates, manages, and governs under section 5119.14 of the Revised Code for the care and treatment of mentally ill persons;

(b) A free-standing hospital, or unit of a hospital, licensed by the department under section 5119.33 of the Revised Code.

(C) Except as provided in section 5119.401 of the Revised Code and rules adopted under division (E)(3) of this section, the department of mental health and addiction services shall review and determine for each resident of a nursing facility who is mentally ill, whether the resident, because of the resident's physical and mental condition, requires the level of services provided by a nursing facility and whether the resident requires specialized services for mental illness. The review and determination shall be conducted in accordance with section 1919(e)(7) of the "Social Security Act" and the regulations adopted under section 1919(f)(8)(A) of the act and based on an independent physical and mental evaluation performed by a person or entity other than the department. The review and determination shall be completed promptly after a nursing facility has notified the department that there has been a significant change in the resident's mental or physical condition.

(D)(1) In the case of a nursing facility resident who has continuously resided in a nursing facility for at least thirty months before the date of a review and determination under division (C) of this section or a resident review under division (A)(2) of section 5119.401 of the Revised Code, if the resident is determined not to require the level of services provided by a nursing facility, but is determined to require specialized services for mental illness, the department, in consultation with the resident's family or legal representative and care givers, shall do all of the following:

(a) Inform the resident of the institutional and noninstitutional alternatives covered under the medicaid state plan ~~for medical assistance~~;

(b) Offer the resident the choice of remaining in the nursing facility or receiving covered services in an alternative institutional or noninstitutional setting;

(c) Clarify the effect on eligibility for services under the medicaid state plan ~~for medical assistance~~ if the resident chooses to leave the facility, including its effect on readmission to the facility;

(d) Provide for or arrange for the provision of specialized services for the resident's mental illness in the setting chosen by the resident.

(2) In the case of a nursing facility resident who has continuously resided in a nursing facility for less than thirty months before the date of the review and determination under division (C) of this section or a resident review under division (A)(2) of section 5119.401 of the Revised Code, if the resident is determined not to require the level of services provided by a nursing facility, but is determined to require specialized services for mental illness, or if the resident is determined to require neither the level of services provided by a nursing facility nor specialized services for mental illness, the department shall act in accordance with its alternative disposition plan approved by the United States department of health and human services under section 1919(e)(7)(E) of the "Social Security Act."

(3) In the case of an individual who is determined under division (B) or (C) of this section or division (A)(2) of section 5119.401 of the Revised Code to require both the level of services provided by a nursing facility and specialized services for mental illness, the department of mental health and addiction services shall provide or arrange for the provision of the specialized services needed by the individual or resident while residing in a nursing facility.

(E) The department of mental health and addiction services shall adopt rules in accordance with Chapter 119. of the Revised Code that do all of the following:

(1) Establish criteria to be used in making the 21336
determinations required by divisions (B) and (C) of this section. 21337
The criteria shall not exceed the criteria established by 21338
regulations adopted by the United States department of health and 21339
human services under section 1919(f)(8)(A) of the "Social Security 21340
Act." 21341

(2) Specify information to be provided by the individual or 21342
nursing facility resident being assessed; 21343

(3) Specify any circumstances, in addition to circumstances 21344
listed in division (B) of this section and specified in section 21345
5119.401 of the Revised Code, under which determinations under 21346
divisions (B) and (C) of this section are not required to be made. 21347

Sec. 5119.401. (A) A nursing facility with a valid license 21348
issued by the director of mental health and addiction services 21349
under division (B) of this section may do both of the following: 21350

(1) Admit as a resident a mentally ill individual without the 21351
individual undergoing the determination otherwise required by 21352
division (B)(1) of section 5119.40 of the Revised Code if the 21353
individual, pursuant to division (B)(2)(a) or (b) of that section, 21354
would be exempt from having to undergo the determination if not 21355
for division (B)(3) of that section; 21356

(2) Instead of providing for a resident admitted to the 21357
nursing facility under division (A)(1) of this section to undergo 21358
a review and determination under division (C) of section 5119.40 21359
of the Revised Code, provide for the resident to undergo a 21360
resident review that is conducted in accordance with all of the 21361
following: 21362

(a) By a case manager who does not have a direct or indirect 21363
affiliation or relationship with the nursing facility; 21364

(b) Every thirty days; 21365

(c) In accordance with the requirements of the "Social Security Act," section 1919(e)(7), 42 U.S.C. 1396r(e)(7), and the regulations adopted under the "Social Security Act," section 1919(f)(8)(A), 42 U.S.C. 1396r(f)(8)(A). 21366
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(B) The director shall issue to a nursing facility a license that authorizes the nursing facility to take the actions specified in division (A) of this section if all of the following apply: 21370
21371
21372

(1) The nursing facility has a medical director who is a psychiatrist; 21373
21374

(2) The nursing facility provides specialized services for mental illness; 21375
21376

(3) The nursing facility does not restrict admissions to mentally ill individuals; 21377
21378

(4) The nursing facility meets all other requirements specified in rules adopted under this section. 21379
21380

(C) The director shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement this section. 21381
21382

Sec. 5122.36. If the legal residence of a person suffering from mental illness is in another county of the state, the necessary expense of the person's return is a proper charge against the county of legal residence. If an adjudication and order of hospitalization by the probate court of the county of temporary residence are required, the regular probate court fees and expenses incident to the order of hospitalization under this chapter and any other expense incurred on the person's behalf shall be charged to and paid by the county of the person's legal residence upon the approval and certification of the probate judge of that county. The ordering court shall send to the probate court of the person's county of legal residence a certified transcript of all proceedings had in the ordering court. The receiving court 21383
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shall enter and record the transcript. The certified transcript is 21396
prima facie evidence of the residence of the person. When the 21397
residence of the person cannot be established as represented by 21398
the ordering court, the matter of residence shall be referred to 21399
the department of mental health and addiction services for 21400
investigation and determination. 21401

Sec. 5123.01. As used in this chapter: 21402

(A) "Chief medical officer" means the licensed physician 21403
appointed by the managing officer of an institution for the 21404
mentally retarded with the approval of the director of 21405
developmental disabilities to provide medical treatment for 21406
residents of the institution. 21407

(B) "Chief program director" means a person with special 21408
training and experience in the diagnosis and management of the 21409
mentally retarded, certified according to division (C) of this 21410
section in at least one of the designated fields, and appointed by 21411
the managing officer of an institution for the mentally retarded 21412
with the approval of the director to provide habilitation and care 21413
for residents of the institution. 21414

(C) "Comprehensive evaluation" means a study, including a 21415
sequence of observations and examinations, of a person leading to 21416
conclusions and recommendations formulated jointly, with 21417
dissenting opinions if any, by a group of persons with special 21418
training and experience in the diagnosis and management of persons 21419
with mental retardation or a developmental disability, which group 21420
shall include individuals who are professionally qualified in the 21421
fields of medicine, psychology, and social work, together with 21422
such other specialists as the individual case may require. 21423

(D) "Education" means the process of formal training and 21424
instruction to facilitate the intellectual and emotional 21425

development of residents. 21426

(E) "Habilitation" means the process by which the staff of 21427
the institution assists the resident in acquiring and maintaining 21428
those life skills that enable the resident to cope more 21429
effectively with the demands of the resident's own person and of 21430
the resident's environment and in raising the level of the 21431
resident's physical, mental, social, and vocational efficiency. 21432
Habilitation includes but is not limited to programs of formal, 21433
structured education and training. 21434

(F) "Health officer" means any public health physician, 21435
public health nurse, or other person authorized or designated by a 21436
city or general health district. 21437

(G) "Home and community-based services" means medicaid-funded 21438
home and community-based services specified in division (A)(1) of 21439
section 5166.20 of the Revised Code provided under the medicaid 21440
waiver components the department of developmental disabilities 21441
administers pursuant to section 5166.21 of the Revised Code. 21442
Except as provided in section 5123.0412 of the Revised Code, home 21443
and community-based services provided under the medicaid waiver 21444
component known as the transitions developmental disabilities 21445
waiver are to be considered to be home and community-based 21446
services for the purposes of this chapter, and Chapters 5124. and 21447
5126. of the Revised Code, only to the extent, if any, provided by 21448
the contract required by section 5166.21 of the Revised Code 21449
regarding the waiver. 21450

(H) "ICF/IID" has the same meaning as in section 5124.01 of 21451
the Revised Code. 21452

(I) "Indigent person" means a person who is unable, without 21453
substantial financial hardship, to provide for the payment of an 21454
attorney and for other necessary expenses of legal representation, 21455
including expert testimony. 21456

(J) "Institution" means a public or private facility, or a part of a public or private facility, that is licensed by the appropriate state department and is equipped to provide residential habilitation, care, and treatment for the mentally retarded.

(K) "Licensed physician" means a person who holds a valid certificate issued under Chapter 4731. of the Revised Code authorizing the person to practice medicine and surgery or osteopathic medicine and surgery, or a medical officer of the government of the United States while in the performance of the officer's official duties.

(L) "Managing officer" means a person who is appointed by the director of developmental disabilities to be in executive control of an institution for the mentally retarded under the jurisdiction of the department.

(M) "Medicaid case management services" means case management services provided to an individual with mental retardation or other developmental disability that the state medicaid plan requires.

(N) "Mentally retarded person" means a person having significantly subaverage general intellectual functioning existing concurrently with deficiencies in adaptive behavior, manifested during the developmental period.

(O) "Mentally retarded person subject to institutionalization by court order" means a person eighteen years of age or older who is at least moderately mentally retarded and in relation to whom, because of the person's retardation, either of the following conditions exist:

(1) The person represents a very substantial risk of physical impairment or injury to self as manifested by evidence that the person is unable to provide for and is not providing for the

person's most basic physical needs and that provision for those 21488
needs is not available in the community; 21489

(2) The person needs and is susceptible to significant 21490
habilitation in an institution. 21491

(P) "A person who is at least moderately mentally retarded" 21492
means a person who is found, following a comprehensive evaluation, 21493
to be impaired in adaptive behavior to a moderate degree and to be 21494
functioning at the moderate level of intellectual functioning in 21495
accordance with standard measurements as recorded in the most 21496
current revision of the manual of terminology and classification 21497
in mental retardation published by the American association on 21498
mental retardation. 21499

(Q) As used in this division, "~~substantial functional~~ 21500
~~limitation,~~" "developmental delay," and "~~established risk~~" have 21501
has the meanings meaning established pursuant to section 5123.011 21502
of the Revised Code. 21503

"Developmental disability" means a severe, chronic disability 21504
that is characterized by all of the following: 21505

(1) It is attributable to a mental or physical impairment or 21506
a combination of mental and physical impairments, other than a 21507
mental or physical impairment solely caused by mental illness as 21508
defined in division (A) of section 5122.01 of the Revised Code. 21509

(2) It is manifested before age twenty-two. 21510

(3) It is likely to continue indefinitely. 21511

(4) It results in one of the following: 21512

(a) In the case of a person under three years of age, at 21513
least one developmental delay or ~~an established risk~~ a diagnosed 21514
physical or mental condition that has a high probability of 21515
resulting in a developmental delay; 21516

(b) In the case of a person at least three years of age but 21517

under six years of age, at least two developmental delays ~~or an~~ 21518
~~established risk;~~ 21519

(c) In the case of a person six years of age or older, a 21520
substantial functional limitation in at least three of the 21521
following areas of major life activity, as appropriate for the 21522
person's age: self-care, receptive and expressive language, 21523
learning, mobility, self-direction, capacity for independent 21524
living, and, if the person is at least sixteen years of age, 21525
capacity for economic self-sufficiency. 21526

(5) It causes the person to need a combination and sequence 21527
of special, interdisciplinary, or other type of care, treatment, 21528
or provision of services for an extended period of time that is 21529
individually planned and coordinated for the person. 21530

(R) "Developmentally disabled person" means a person with a 21531
developmental disability. 21532

(S) "State institution" means an institution that is 21533
tax-supported and under the jurisdiction of the department. 21534

(T) "Residence" and "legal residence" have the same meaning 21535
as "legal settlement," which is acquired by residing in Ohio for a 21536
period of one year without receiving general assistance prior to 21537
July 17, 1995, under former Chapter 5113. of the Revised Code, 21538
financial assistance under Chapter 5115. of the Revised Code, or 21539
assistance from a private agency that maintains records of 21540
assistance given. A person having a legal settlement in the state 21541
shall be considered as having legal settlement in the assistance 21542
area in which the person resides. No adult person coming into this 21543
state and having a spouse or minor children residing in another 21544
state shall obtain a legal settlement in this state as long as the 21545
spouse or minor children are receiving public assistance, care, or 21546
support at the expense of the other state or its subdivisions. For 21547
the purpose of determining the legal settlement of a person who is 21548

living in a public or private institution or in a home subject to 21549
licensing by the department of job and family services, the 21550
department of mental health and addiction services, or the 21551
department of developmental disabilities, the residence of the 21552
person shall be considered as though the person were residing in 21553
the county in which the person was living prior to the person's 21554
entrance into the institution or home. Settlement once acquired 21555
shall continue until a person has been continuously absent from 21556
Ohio for a period of one year or has acquired a legal residence in 21557
another state. A woman who marries a man with legal settlement in 21558
any county immediately acquires the settlement of her husband. The 21559
legal settlement of a minor is that of the parents, surviving 21560
parent, sole parent, parent who is designated the residential 21561
parent and legal custodian by a court, other adult having 21562
permanent custody awarded by a court, or guardian of the person of 21563
the minor, provided that: 21564

(1) A minor female who marries shall be considered to have 21565
the legal settlement of her husband and, in the case of death of 21566
her husband or divorce, she shall not thereby lose her legal 21567
settlement obtained by the marriage. 21568

(2) A minor male who marries, establishes a home, and who has 21569
resided in this state for one year without receiving general 21570
assistance prior to July 17, 1995, under former Chapter 5113. of 21571
the Revised Code, financial assistance under Chapter 5115. of the 21572
Revised Code, or assistance from a private agency that maintains 21573
records of assistance given shall be considered to have obtained a 21574
legal settlement in this state. 21575

(3) The legal settlement of a child under eighteen years of 21576
age who is in the care or custody of a public or private child 21577
caring agency shall not change if the legal settlement of the 21578
parent changes until after the child has been in the home of the 21579
parent for a period of one year. 21580

No person, adult or minor, may establish a legal settlement 21581
in this state for the purpose of gaining admission to any state 21582
institution. 21583

(U)(1) "Resident" means, subject to division (U)(2) of this 21584
section, a person who is admitted either voluntarily or 21585
involuntarily to an institution or other facility pursuant to 21586
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 21587
Code subsequent to a finding of not guilty by reason of insanity 21588
or incompetence to stand trial or under this chapter who is under 21589
observation or receiving habilitation and care in an institution. 21590

(2) "Resident" does not include a person admitted to an 21591
institution or other facility under section 2945.39, 2945.40, 21592
2945.401, or 2945.402 of the Revised Code to the extent that the 21593
reference in this chapter to resident, or the context in which the 21594
reference occurs, is in conflict with any provision of sections 21595
2945.37 to 2945.402 of the Revised Code. 21596

(V) "Respondent" means the person whose detention, 21597
commitment, or continued commitment is being sought in any 21598
proceeding under this chapter. 21599

(W) "Working day" and "court day" mean Monday, Tuesday, 21600
Wednesday, Thursday, and Friday, except when such day is a legal 21601
holiday. 21602

(X) "Prosecutor" means the prosecuting attorney, village 21603
solicitor, city director of law, or similar chief legal officer 21604
who prosecuted a criminal case in which a person was found not 21605
guilty by reason of insanity, who would have had the authority to 21606
prosecute a criminal case against a person if the person had not 21607
been found incompetent to stand trial, or who prosecuted a case in 21608
which a person was found guilty. 21609

(Y) "Court" means the probate division of the court of common 21610
pleas. 21611

(Z) "Supported living" and "residential services" have the 21612
same meanings as in section 5126.01 of the Revised Code. 21613

Sec. 5123.011. The director of developmental disabilities 21614
shall adopt rules in accordance with Chapter 119. of the Revised 21615
Code ~~that establish definitions of "substantial functional~~ 21616
~~limitation,"~~ to do both of the following: 21617

(A) Define "developmental delay," ~~"established risk,"~~ 21618
~~"biological risk,"~~ and ~~"environmental risk."~~ 21619

(B) For the purpose of division (O)(4)(c) of section 5123.01 21620
and division (F)(4)(c) of section 5126.01 of the Revised Code, 21621
specify how to determine whether a person six years of age or 21622
older has a substantial functional limitation in a major life 21623
activity as appropriate for the person's age. 21624

Sec. 5123.012. (A) As used in this section: 21625

~~(1) "Biological risk" and "environmental risk" have the~~ 21626
~~meanings established pursuant to section 5123.011 of the Revised~~ 21627
~~Code.~~ 21628

~~(2) "Preschool,"~~ "preschool child with a disability" has the 21629
same meaning as in section 3323.01 of the Revised Code. 21630

(B) Except as provided in division (C) of this section, the 21631
department of developmental disabilities shall make eligibility 21632
determinations in accordance with the definition of "developmental 21633
disability" in section 5123.01 of the Revised Code. The department 21634
may adopt rules in accordance with Chapter 119. of the Revised 21635
Code establishing eligibility for programs and services for ~~either~~ 21636
~~of the following:~~ 21637

~~(1) Individuals under age six who have a biological risk or~~ 21638
~~environmental risk of a developmental delay;~~ 21639

~~(2) Any~~ any preschool child with a disability eligible for 21640

services under section 3323.02 of the Revised Code whose 21641
disability is not attributable solely to mental illness as defined 21642
in section 5122.01 of the Revised Code. 21643

(C)(1) The department shall make determinations of 21644
eligibility for protective services in accordance with sections 21645
5123.55 to 5123.59 of the Revised Code. 21646

(2) Determinations of whether a mentally retarded person is 21647
subject to institutionalization by court order shall be made in 21648
accordance with sections 5123.71 to 5123.76 of the Revised Code 21649
and shall be based on the definition of "mentally retarded person 21650
subject to institutionalization by court order" in section 5123.01 21651
of the Revised Code. 21652

(3) All persons who were eligible for services and enrolled 21653
in programs offered by the department of developmental 21654
disabilities pursuant to this chapter on July 1, 1991, shall 21655
continue to be eligible for those services and to be enrolled in 21656
those programs as long as they are in need of services. 21657

Sec. 5123.0420. As used in this section, "evidence-based 21658
intervention" means a prevention or treatment service that has 21659
been demonstrated through scientific evaluation to produce a 21660
positive outcome. 21661

The department of developmental disabilities shall establish 21662
a voluntary training and certification program for individuals who 21663
provide evidence-based interventions to individuals with an autism 21664
spectrum disorder. The department shall administer the program or 21665
contract with a person or other government entity to administer 21666
the program. The program shall not conflict with or duplicate any 21667
other certification or licensure process administered by the 21668
state. 21669

The director of developmental disabilities may adopt rules as 21670

necessary to implement this section. If the director adopts rules, 21671
the rules shall be adopted in accordance with Chapter 119. of the 21672
Revised Code. 21673

Sec. 5123.16. (A) As used in sections 5123.16 to 5123.1610 of 21674
the Revised Code: 21675

(1) "Applicant" means any of the following: 21676

(a) The chief executive officer of a business that applies 21677
under section 5123.161 of the Revised Code for a certificate to 21678
provide supported living; 21679

(b) The chief executive officer of a business that seeks 21680
renewal of the business's supported living certificate under 21681
section 5123.164 of the Revised Code; 21682

(c) An individual who applies under section 5123.161 of the 21683
Revised Code for a certificate to provide supported living as an 21684
independent provider; 21685

(d) An independent provider who seeks renewal of the 21686
independent provider's supported living certificate under section 21687
5123.164 of the Revised Code. 21688

~~(2)(a) "Business" means either of the following:~~ 21689

~~(i) An an association, corporation, nonprofit organization,~~ 21690
~~partnership, trust, or other group of persons;~~ 21691

~~(ii) An individual who employs, directly or through contract,~~ 21692
~~one or more other individuals to provide supported living.~~ 21693

~~(b).~~ "Business" does not mean an independent provider. 21694

(3) "Criminal records check" has the same meaning as in 21695
section 109.572 of the Revised Code. 21696

(4) "Disqualifying offense" means any of the offenses listed 21697
or described in divisions (A)(3)(a) to (e) of section 109.572 of 21698
the Revised Code. 21699

(5) "Independent provider" means a provider who provides supported living on a self-employed basis and does not employ, directly or through contract, another ~~individual~~ person to provide the supported living.

(6) "Provider" means a person or government entity certified by the director of developmental disabilities to provide supported living. For the purpose of division (A)(8) of this section, "provider" includes a person or government entity that seeks or previously held a certificate to provide supported living.

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

(8) "Related party" means any of the following:

(a) In the case of a provider who is an individual, any of the following:

(i) The spouse of the provider;

(ii) A parent or stepparent of the provider or provider's spouse;

(iii) A child of the provider or provider's spouse;

(iv) A sibling, half sibling, or stepsibling of the provider or provider's spouse;

(v) A grandparent of the provider or provider's spouse;

(vi) A grandchild of the provider or provider's spouse;

~~(vii) An employee or employer of the provider or provider's spouse.~~

(b) In the case of a provider that is a person other than an individual, any of the following:

(i) ~~An employee of the person~~ Any person or government entity that directly or indirectly controls the provider's day-to-day operations (including as a general manager, business manager,

financial manager, administrator, or director), regardless of 21729
whether the person or government entity exercises the control 21730
pursuant to a contract or other arrangement and regardless of 21731
whether the person or government entity is required to file an 21732
Internal Revenue Code form W-2 for the provider; 21733

(ii) An officer of the provider, including the chief 21734
executive officer, president, vice-president, secretary, and 21735
treasurer; 21736

(iii) A member of the provider's board of directors or 21737
trustees; 21738

(iv) A person owning a financial interest of five per cent or 21739
more in the provider, including a direct, indirect, security, or 21740
mortgage financial interest; 21741

~~(v) A corporation that has a subsidiary relationship with the~~ 21742
~~provider;~~ 21743

~~(vi) A person or government entity that has control over the~~ 21744
~~provider's day-to-day operation;~~ 21745

~~(vii) The spouse, parent, stepparent, child, sibling, half~~ 21746
~~sibling, stepsibling, grandparent, or grandchild of any of the~~ 21747
~~persons specified in divisions (A)(8)(b)(i) to (iv) of this~~ 21748
~~section;~~ 21749

(vi) A person over which the provider has control of the 21750
day-to-day operation; 21751

(vii) A corporation that has a subsidiary relationship with 21752
the provider. 21753

(c) In the case of a provider that is a government entity, 21754
any of the following: 21755

(i) ~~An employee of the provider~~ Any person or government 21756
entity that directly or indirectly controls the provider's 21757
day-to-day operations (including as a general manager, financial 21758

manager, administrator, or director), regardless of whether the 21759
person or government entity exercises the control pursuant to a 21760
contract or other arrangement; 21761

(ii) An officer of the provider; 21762

(iii) A member of the provider's governing board; 21763

(iv) ~~A government entity that has control over the provider's~~ 21764
~~day-to-day operation;~~ 21765

~~(v)~~ A person or government entity over which the provider has 21766
control of the day-to-day operation. 21767

(B) No person or government entity may provide supported 21768
living without a valid supported living certificate issued by the 21769
director of developmental disabilities. 21770

(C) A county board of developmental disabilities may provide 21771
supported living only to the extent permitted by rules adopted 21772
under section 5123.1610 of the Revised Code. 21773

Sec. 5123.162. (A) The director of developmental disabilities 21774
may conduct surveys of persons and government entities that seek a 21775
supported living certificate to determine whether the persons and 21776
government entities meet the certification standards. The director 21777
may also conduct surveys of providers to determine whether the 21778
providers continue to meet the certification standards. The 21779
director may assign to a county board of developmental 21780
disabilities the responsibility to conduct either type of survey. 21781
Each survey shall ~~conduct the surveys~~ be conducted in accordance 21782
with rules adopted under section 5123.1610 of the Revised Code. 21783
21784

(B) Following each survey of a provider, the director shall 21785
issue a report listing the date of the survey, any citations 21786
issued as a result of the survey, and the statutes or rules that 21787
purportedly have been violated and are the bases of the citations. 21788

The director shall also do both of the following: 21789

(1) Specify a date by which the provider may appeal any of 21790
the citations: 21791

(2) When appropriate, specify a timetable within which the 21792
provider must submit a plan of correction describing how the 21793
problems specified in the citations will be corrected and the date 21794
by which the provider anticipates the problems will be corrected. 21795

(C) If the director initiates a proceeding to revoke a 21796
provider's certification, the director shall include the report 21797
required by division (B) of this section with the notice of the 21798
proposed revocation the director sends to the provider. In this 21799
circumstance, the provider may not submit a plan of correction. 21800

(D) After a plan of correction is submitted, the director 21801
shall approve or disapprove the plan. If the plan of correction is 21802
approved, a copy of the approved plan shall be provided, not later 21803
than five business days after it is approved, to any person or 21804
government entity that requests it and made available on the 21805
internet web site maintained by the department of developmental 21806
disabilities. If the plan of correction is not approved and the 21807
director initiates a proceeding to revoke the provider's 21808
certification, a copy of the survey report shall be provided to 21809
any person or government entity that requests it and shall be made 21810
available on the internet web site maintained by the department. 21811

The (E) In addition to survey reports described in this 21812
section, all other records of associated with surveys conducted 21813
under this section are public records for the purpose of section 21814
149.43 of the Revised Code and shall be made available on the 21815
request of any person or government entity. 21816

Sec. 5123.19. (A) As used in sections 5123.19 to 5123.20 of 21817
the Revised Code: 21818

(1) "Independent living arrangement" means an arrangement in which a mentally retarded or developmentally disabled person resides in an individualized setting chosen by the person or the person's guardian, which is not dedicated principally to the provision of residential services for mentally retarded or developmentally disabled persons, and for which no financial support is received for rendering such service from any governmental agency by a provider of residential services.

(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.

(4) "Related party" has the same meaning as in section 5123.16 of the Revised Code except that "provider" as used in the definition of "related party" means a person or government entity that held or applied for a license to operate a residential facility, rather than a person or government entity certified to provide supported living.

(5)(a) Except as provided in division (A)(5)(b) of this section, "residential facility" means a home or facility, including an ICF/IID, in which an individual with mental retardation or a developmental disability resides.

(b) "Residential facility" does not mean any of the following:

(i) The home of a relative or legal guardian in which an individual with mental retardation or a developmental disability resides;

(ii) A respite care home certified under section 5126.05 of the Revised Code;

(iii) A county home or district home operated pursuant to 21849
Chapter 5155. of the Revised Code; 21850

(iv) A dwelling in which the only residents with mental 21851
retardation or developmental disabilities are in independent 21852
living arrangements or are being provided supported living. 21853

(B) Every person or government agency desiring to operate a 21854
residential facility shall apply for licensure of the facility to 21855
the director of developmental disabilities unless the residential 21856
facility is subject to section 3721.02, 5103.03, 5119.33, or 21857
division (A)(9)(b) of section 5119.34 of the Revised Code. 21858

(C) Subject to section 5123.196 of the Revised Code, the 21859
director of developmental disabilities shall license the operation 21860
of residential facilities. An initial license shall be issued for 21861
a period that does not exceed one year, unless the director denies 21862
the license under division (D) of this section. A license shall be 21863
renewed for a period that does not exceed three years, unless the 21864
director refuses to renew the license under division (D) of this 21865
section. The director, when issuing or renewing a license, shall 21866
specify the period for which the license is being issued or 21867
renewed. A license remains valid for the length of the licensing 21868
period specified by the director, unless the license is 21869
terminated, revoked, or voluntarily surrendered. 21870

(D) If it is determined that an applicant or licensee is not 21871
in compliance with a provision of this chapter that applies to 21872
residential facilities or the rules adopted under such a 21873
provision, the director may deny issuance of a license, refuse to 21874
renew a license, terminate a license, revoke a license, issue an 21875
order for the suspension of admissions to a facility, issue an 21876
order for the placement of a monitor at a facility, issue an order 21877
for the immediate removal of residents, or take any other action 21878
the director considers necessary consistent with the director's 21879
authority under this chapter regarding residential facilities. In 21880

the director's selection and administration of the sanction to be 21881
imposed, all of the following apply: 21882

(1) The director may deny, refuse to renew, or revoke a 21883
license, if the director determines that the applicant or licensee 21884
has demonstrated a pattern of serious noncompliance or that a 21885
violation creates a substantial risk to the health and safety of 21886
residents of a residential facility. 21887

(2) The director may terminate a license if more than twelve 21888
consecutive months have elapsed since the residential facility was 21889
last occupied by a resident or a notice required by division (K) 21890
of this section is not given. 21891

(3) The director may issue an order for the suspension of 21892
admissions to a facility for any violation that may result in 21893
sanctions under division (D)(1) of this section and for any other 21894
violation specified in rules adopted under division (H)(2) of this 21895
section. If the suspension of admissions is imposed for a 21896
violation that may result in sanctions under division (D)(1) of 21897
this section, the director may impose the suspension before 21898
providing an opportunity for an adjudication under Chapter 119. of 21899
the Revised Code. The director shall lift an order for the 21900
suspension of admissions when the director determines that the 21901
violation that formed the basis for the order has been corrected. 21902

(4) The director may order the placement of a monitor at a 21903
residential facility for any violation specified in rules adopted 21904
under division (H)(2) of this section. The director shall lift the 21905
order when the director determines that the violation that formed 21906
the basis for the order has been corrected. 21907

(5) If the director determines that two or more residential 21908
facilities owned or operated by the same person or government 21909
entity are not being operated in compliance with a provision of 21910
this chapter that applies to residential facilities or the rules 21911

adopted under such a provision, and the director's findings are 21912
based on the same or a substantially similar action, practice, 21913
circumstance, or incident that creates a substantial risk to the 21914
health and safety of the residents, the director shall conduct a 21915
survey as soon as practicable at each residential facility owned 21916
or operated by that person or government entity. The director may 21917
take any action authorized by this section with respect to any 21918
facility found to be operating in violation of a provision of this 21919
chapter that applies to residential facilities or the rules 21920
adopted under such a provision. 21921

(6) When the director initiates license revocation 21922
proceedings, no opportunity for submitting a plan of correction 21923
shall be given. The director shall notify the licensee by letter 21924
of the initiation of the proceedings. The letter shall list the 21925
deficiencies of the residential facility and inform the licensee 21926
that no plan of correction will be accepted. The director shall 21927
also send a copy of the letter to the county board of 21928
developmental disabilities. The county board shall send a copy of 21929
the letter to each of the following: 21930

(a) Each resident who receives services from the licensee; 21931

(b) The guardian of each resident who receives services from 21932
the licensee if the resident has a guardian; 21933

(c) The parent or guardian of each resident who receives 21934
services from the licensee if the resident is a minor. 21935

(7) Pursuant to rules which shall be adopted in accordance 21936
with Chapter 119. of the Revised Code, the director may order the 21937
immediate removal of residents from a residential facility 21938
whenever conditions at the facility present an immediate danger of 21939
physical or psychological harm to the residents. 21940

(8) In determining whether a residential facility is being 21941
operated in compliance with a provision of this chapter that 21942

applies to residential facilities or the rules adopted under such 21943
a provision, or whether conditions at a residential facility 21944
present an immediate danger of physical or psychological harm to 21945
the residents, the director may rely on information obtained by a 21946
county board of developmental disabilities or other governmental 21947
agencies. 21948

(9) In proceedings initiated to deny, refuse to renew, or 21949
revoke licenses, the director may deny, refuse to renew, or revoke 21950
a license regardless of whether some or all of the deficiencies 21951
that prompted the proceedings have been corrected at the time of 21952
the hearing. 21953

(E) The director shall establish a program under which public 21954
notification may be made when the director has initiated license 21955
revocation proceedings or has issued an order for the suspension 21956
of admissions, placement of a monitor, or removal of residents. 21957
The director shall adopt rules in accordance with Chapter 119. of 21958
the Revised Code to implement this division. The rules shall 21959
establish the procedures by which the public notification will be 21960
made and specify the circumstances for which the notification must 21961
be made. The rules shall require that public notification be made 21962
if the director has taken action against the facility in the 21963
eighteen-month period immediately preceding the director's latest 21964
action against the facility and the latest action is being taken 21965
for the same or a substantially similar violation of a provision 21966
of this chapter that applies to residential facilities or the 21967
rules adopted under such a provision. The rules shall specify a 21968
method for removing or amending the public notification if the 21969
director's action is found to have been unjustified or the 21970
violation at the residential facility has been corrected. 21971

(F)(1) Except as provided in division (F)(2) of this section, 21972
appeals from proceedings initiated to impose a sanction under 21973
division (D) of this section shall be conducted in accordance with 21974

Chapter 119. of the Revised Code.	21975
(2) Appeals from proceedings initiated to order the suspension of admissions to a facility shall be conducted in accordance with Chapter 119. of the Revised Code, unless the order was issued before providing an opportunity for an adjudication, in which case all of the following apply:	21976 21977 21978 21979 21980
(a) The licensee may request a hearing not later than ten days after receiving the notice specified in section 119.07 of the Revised Code.	21981 21982 21983
(b) If a timely request for a hearing that includes the licensee's current address is made, the hearing shall commence not later than thirty days after the department receives the request.	21984 21985 21986
(c) After commencing, the hearing shall continue uninterrupted, except for Saturdays, Sundays, and legal holidays, unless other interruptions are agreed to by the licensee and the director.	21987 21988 21989 21990
(d) If the hearing is conducted by a hearing examiner, the hearing examiner shall file a report and recommendations not later than ten days after the last of the following:	21991 21992 21993
(i) The close of the hearing;	21994
(ii) If a transcript of the proceedings is ordered, the hearing examiner receives the transcript;	21995 21996
(iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs.	21997 21998
(e) A copy of the written report and recommendation of the hearing examiner shall be sent, by certified mail, to the licensee and the licensee's attorney, if applicable, not later than five days after the report is filed.	21999 22000 22001 22002
(f) Not later than five days after the hearing examiner files the report and recommendations, the licensee may file objections	22003 22004

to the report and recommendations. 22005

(g) Not later than fifteen days after the hearing examiner 22006
files the report and recommendations, the director shall issue an 22007
order approving, modifying, or disapproving the report and 22008
recommendations. 22009

(h) Notwithstanding the pendency of the hearing, the director 22010
shall lift the order for the suspension of admissions when the 22011
director determines that the violation that formed the basis for 22012
the order has been corrected. 22013

(G) Neither a person or government agency whose application 22014
for a license to operate a residential facility is denied nor a 22015
related party of the person or government agency may apply for a 22016
license to operate a residential facility before the date that is 22017
one year after the date of the denial. Neither a licensee whose 22018
residential facility license is revoked nor a related party of the 22019
licensee may apply for a residential facility license before the 22020
date that is five years after the date of the revocation. 22021

(H) In accordance with Chapter 119. of the Revised Code, the 22022
director shall adopt and may amend and rescind rules for licensing 22023
and regulating the operation of residential facilities. The rules 22024
for residential facilities that are ICFs/IID may differ from those 22025
for other residential facilities. The rules shall establish and 22026
specify the following: 22027

(1) Procedures and criteria for issuing and renewing 22028
licenses, including procedures and criteria for determining the 22029
length of the licensing period that the director must specify for 22030
each license when it is issued or renewed; 22031

(2) Procedures and criteria for denying, refusing to renew, 22032
terminating, and revoking licenses and for ordering the suspension 22033
of admissions to a facility, placement of a monitor at a facility, 22034
and the immediate removal of residents from a facility; 22035

(3) Fees for issuing and renewing licenses, which shall be deposited into the program fee fund created under section 5123.033 of the Revised Code;	22036 22037 22038
(4) Procedures for surveying residential facilities;	22039
(5) Requirements for the training of residential facility personnel;	22040 22041
(6) Classifications for the various types of residential facilities;	22042 22043
(7) Certification procedures for licensees and management contractors that the director determines are necessary to ensure that they have the skills and qualifications to properly operate or manage residential facilities;	22044 22045 22046 22047
(8) The maximum number of persons who may be served in a particular type of residential facility;	22048 22049
(9) Uniform procedures for admission of persons to and transfers and discharges of persons from residential facilities;	22050 22051
(10) Other standards for the operation of residential facilities and the services provided at residential facilities;	22052 22053
(11) Procedures for waiving any provision of any rule adopted under this section.	22054 22055
(I)(1) Before issuing a license, the director of the department or the director's designee shall conduct a survey of the residential facility for which application is made. The director or the director's designee shall conduct a survey of each licensed residential facility at least once during the period the license is valid and may conduct additional inspections as needed. A survey includes but is not limited to an on-site examination and evaluation of the residential facility, its personnel, and the services provided there. <u>The director may assign to a county board of developmental disabilities the responsibility to conduct any</u>	22056 22057 22058 22059 22060 22061 22062 22063 22064 22065

survey or inspection under this section. 22066

(2) In conducting surveys, the director ~~or the director's~~ 22067
~~designee~~ shall be given access to the residential facility; all 22068
records, accounts, and any other documents related to the 22069
operation of the facility; the licensee; the residents of the 22070
facility; and all persons acting on behalf of, under the control 22071
of, or in connection with the licensee. The licensee and all 22072
persons on behalf of, under the control of, or in connection with 22073
the licensee shall cooperate with the director ~~or the director's~~ 22074
~~designee~~ in conducting the survey. 22075

(3) Following each survey, ~~unless the director initiates a~~ 22076
~~license revocation proceeding,~~ the director ~~or the director's~~ 22077
~~designee~~ shall provide the licensee with a report listing the date 22078
of the survey, any deficiencies, specifying citations issued as a 22079
result of the survey, and the statutes or rules that purportedly 22080
have been violated and are the bases of the citations. The 22081
director shall also do both of the following: 22082

(a) Specify a date by which the licensee may appeal any of 22083
the citations; 22084

(b) When appropriate, specify a timetable within which the 22085
licensee ~~shall~~ must submit a plan of correction describing how the 22086
~~deficiencies~~ problems specified in the citations will be 22087
corrected, ~~and, when appropriate, specifying a timetable within~~ 22088
the date by which the licensee must correct ~~anticipates~~ the 22089
~~deficiencies~~ problems will be corrected. After 22090

(4) If the director initiates a proceeding to revoke a 22091
license, the director shall include the report required by 22092
division (I)(3) of this section with the notice of the proposed 22093
revocation the director sends to the licensee. In this 22094
circumstance, the licensee may not submit a plan of correction. 22095
22096

(5) After a plan of correction is submitted, the director or the director's designee shall approve or disapprove the plan. A If the plan of correction is approved, a copy of the report and any approved plan of correction shall be provided, not later than five business days after it is approved, to any person or government entity who requests it and made available on the internet web site maintained by the department of developmental disabilities. If the plan of correction is not approved and the director initiates a proceeding to revoke the license, a copy of the survey report shall be provided to any person or government entity that requests it and shall be made available on the internet web site maintained by the department.

(6) The director shall initiate disciplinary action against any department employee who notifies or causes the notification to any unauthorized person of an unannounced survey of a residential facility by an authorized representative of the department.

(J) In addition to any other information which may be required of applicants for a license pursuant to this section, the director shall require each applicant to provide a copy of an approved plan for a proposed residential facility pursuant to section 5123.042 of the Revised Code. This division does not apply to renewal of a license or to an applicant for an initial or modified license who meets the requirements of section 5123.197 of the Revised Code.

(K) A licensee shall notify the owner of the building in which the licensee's residential facility is located of any significant change in the identity of the licensee or management contractor before the effective date of the change if the licensee is not the owner of the building.

Pursuant to rules which shall be adopted in accordance with Chapter 119. of the Revised Code, the director may require notification to the department of any significant change in the

ownership of a residential facility or in the identity of the 22129
licensee or management contractor. If the director determines that 22130
a significant change of ownership is proposed, the director shall 22131
consider the proposed change to be an application for development 22132
by a new operator pursuant to section 5123.042 of the Revised Code 22133
and shall advise the applicant within sixty days of the 22134
notification that the current license shall continue in effect or 22135
a new license will be required pursuant to this section. If the 22136
director requires a new license, the director shall permit the 22137
facility to continue to operate under the current license until 22138
the new license is issued, unless the current license is revoked, 22139
refused to be renewed, or terminated in accordance with Chapter 22140
119. of the Revised Code. 22141

(L) A county board of developmental disabilities and any 22142
interested person may file complaints alleging violations of 22143
statute or department rule relating to residential facilities with 22144
the department. All complaints shall be in writing and shall state 22145
the facts constituting the basis of the allegation. The department 22146
shall not reveal the source of any complaint unless the 22147
complainant agrees in writing to waive the right to 22148
confidentiality or until so ordered by a court of competent 22149
jurisdiction. 22150

The department shall adopt rules in accordance with Chapter 22151
119. of the Revised Code establishing procedures for the receipt, 22152
referral, investigation, and disposition of complaints filed with 22153
the department under this division. 22154

(M) The department shall establish procedures for the 22155
notification of interested parties of the transfer or interim care 22156
of residents from residential facilities that are closing or are 22157
losing their license. 22158

(N) Before issuing a license under this section to a 22159
residential facility that will accommodate at any time more than 22160

one mentally retarded or developmentally disabled individual, the 22161
director shall, by first class mail, notify the following: 22162

(1) If the facility will be located in a municipal 22163
corporation, the clerk of the legislative authority of the 22164
municipal corporation; 22165

(2) If the facility will be located in unincorporated 22166
territory, the clerk of the appropriate board of county 22167
commissioners and the fiscal officer of the appropriate board of 22168
township trustees. 22169

The director shall not issue the license for ten days after 22170
mailing the notice, excluding Saturdays, Sundays, and legal 22171
holidays, in order to give the notified local officials time in 22172
which to comment on the proposed issuance. 22173

Any legislative authority of a municipal corporation, board 22174
of county commissioners, or board of township trustees that 22175
receives notice under this division of the proposed issuance of a 22176
license for a residential facility may comment on it in writing to 22177
the director within ten days after the director mailed the notice, 22178
excluding Saturdays, Sundays, and legal holidays. If the director 22179
receives written comments from any notified officials within the 22180
specified time, the director shall make written findings 22181
concerning the comments and the director's decision on the 22182
issuance of the license. If the director does not receive written 22183
comments from any notified local officials within the specified 22184
time, the director shall continue the process for issuance of the 22185
license. 22186

(O) Any person may operate a licensed residential facility 22187
that provides room and board, personal care, habilitation 22188
services, and supervision in a family setting for at least six but 22189
not more than eight persons with mental retardation or a 22190
developmental disability as a permitted use in any residential 22191

district or zone, including any single-family residential district 22192
or zone, of any political subdivision. These residential 22193
facilities may be required to comply with area, height, yard, and 22194
architectural compatibility requirements that are uniformly 22195
imposed upon all single-family residences within the district or 22196
zone. 22197

(P) Any person may operate a licensed residential facility 22198
that provides room and board, personal care, habilitation 22199
services, and supervision in a family setting for at least nine 22200
but not more than sixteen persons with mental retardation or a 22201
developmental disability as a permitted use in any multiple-family 22202
residential district or zone of any political subdivision, except 22203
that a political subdivision that has enacted a zoning ordinance 22204
or resolution establishing planned unit development districts may 22205
exclude these residential facilities from those districts, and a 22206
political subdivision that has enacted a zoning ordinance or 22207
resolution may regulate these residential facilities in 22208
multiple-family residential districts or zones as a conditionally 22209
permitted use or special exception, in either case, under 22210
reasonable and specific standards and conditions set out in the 22211
zoning ordinance or resolution to: 22212

(1) Require the architectural design and site layout of the 22213
residential facility and the location, nature, and height of any 22214
walls, screens, and fences to be compatible with adjoining land 22215
uses and the residential character of the neighborhood; 22216

(2) Require compliance with yard, parking, and sign 22217
regulation; 22218

(3) Limit excessive concentration of these residential 22219
facilities. 22220

(Q) This section does not prohibit a political subdivision 22221
from applying to residential facilities nondiscriminatory 22222

regulations requiring compliance with health, fire, and safety 22223
regulations and building standards and regulations. 22224

(R) Divisions (O) and (P) of this section are not applicable 22225
to municipal corporations that had in effect on June 15, 1977, an 22226
ordinance specifically permitting in residential zones licensed 22227
residential facilities by means of permitted uses, conditional 22228
uses, or special exception, so long as such ordinance remains in 22229
effect without any substantive modification. 22230

(S)(1) The director may issue an interim license to operate a 22231
residential facility to an applicant for a license under this 22232
section if either of the following is the case: 22233

(a) The director determines that an emergency exists 22234
requiring immediate placement of persons in a residential 22235
facility, that insufficient licensed beds are available, and that 22236
the residential facility is likely to receive a permanent license 22237
under this section within thirty days after issuance of the 22238
interim license. 22239

(b) The director determines that the issuance of an interim 22240
license is necessary to meet a temporary need for a residential 22241
facility. 22242

(2) To be eligible to receive an interim license, an 22243
applicant must meet the same criteria that must be met to receive 22244
a permanent license under this section, except for any differing 22245
procedures and time frames that may apply to issuance of a 22246
permanent license. 22247

(3) An interim license shall be valid for thirty days and may 22248
be renewed by the director for a period not to exceed one hundred 22249
fifty days. 22250

(4) The director shall adopt rules in accordance with Chapter 22251
119. of the Revised Code as the director considers necessary to 22252
administer the issuance of interim licenses. 22253

(T) Notwithstanding rules adopted pursuant to this section 22254
establishing the maximum number of persons who may be served in a 22255
particular type of residential facility, a residential facility 22256
shall be permitted to serve the same number of persons being 22257
served by the facility on the effective date of the rules or the 22258
number of persons for which the facility is authorized pursuant to 22259
a current application for a certificate of need with a letter of 22260
support from the department of developmental disabilities and 22261
which is in the review process prior to April 4, 1986. 22262

(U) The director ~~or the director's designee~~ may enter at any 22263
time, for purposes of investigation, any home, facility, or other 22264
structure that has been reported to the director or that the 22265
director has reasonable cause to believe is being operated as a 22266
residential facility without a license issued under this section. 22267

The director may petition the court of common pleas of the 22268
county in which an unlicensed residential facility is located for 22269
an order enjoining the person or governmental agency operating the 22270
facility from continuing to operate without a license. The court 22271
may grant the injunction on a showing that the person or 22272
governmental agency named in the petition is operating a 22273
residential facility without a license. The court may grant the 22274
injunction, regardless of whether the residential facility meets 22275
the requirements for receiving a license under this section. 22276

Sec. 5123.191. (A) The court of common pleas or a judge 22277
thereof in the judge's county, or the probate court, may appoint a 22278
receiver to take possession of and operate a residential facility 22279
licensed by the department of developmental disabilities, in 22280
causes pending in such courts respectively, when conditions 22281
existing at the facility present a substantial risk of physical or 22282
mental harm to residents and no other remedies at law are adequate 22283
to protect the health, safety, and welfare of the residents. 22284

Conditions at the facility that may present such risk of harm	22285
include, but are not limited to, instances when any of the	22286
following occur:	22287
(1) The residential facility is in violation of state or	22288
federal law or regulations.	22289
(2) The facility has had its license revoked or procedures	22290
for revocation have been initiated, or the facility is closing or	22291
intends to cease operations.	22292
(3) Arrangements for relocating residents need to be made.	22293
(4) Insolvency of the operator, licensee, or landowner	22294
threatens the operation of the facility.	22295
(5) The facility or operator has demonstrated a pattern and	22296
practice of repeated violations of state or federal laws or	22297
regulations.	22298
(B) A court in which a petition is filed pursuant to this	22299
section shall notify the person holding the license for the	22300
facility and the department of developmental disabilities of the	22301
filing. The court shall order the department to notify the	22302
facility owner, facility operator, county board of developmental	22303
disabilities, facility residents, and residents' parents and	22304
guardians of the filing of the petition.	22305
The court shall provide a hearing on the petition within five	22306
court days of the time it was filed, except that the court may	22307
appoint a receiver prior to that time if it determines that the	22308
circumstances necessitate such action. Following a hearing on the	22309
petition, and upon a determination that the appointment of a	22310
receiver is warranted, the court shall appoint a receiver and	22311
notify the department of developmental disabilities and	22312
appropriate persons of this action.	22313
(C) A residential facility for which a receiver has been	22314

named is deemed to be in compliance with section 5123.19 and 22315
Chapter 3721. of the Revised Code for the duration of the 22316
receivership. 22317

(D) When the operating revenue of a residential facility in 22318
receivership is insufficient to meet its operating expenses, 22319
including the cost of bringing the facility into compliance with 22320
state or federal laws or regulations, the court may order the 22321
state to provide necessary funding, except as provided in division 22322
(K) of this section. The state shall provide such funding, subject 22323
to the approval of the controlling board. The court may also order 22324
the appropriate authorities to expedite all inspections necessary 22325
for the issuance of licenses or the certification of a facility, 22326
and order a facility to be closed if it determines that reasonable 22327
efforts cannot bring the facility into substantial compliance with 22328
the law. 22329

(E) In establishing a receivership, the court shall set forth 22330
the powers and duties of the receiver. The court may generally 22331
authorize the receiver to do all that is prudent and necessary to 22332
safely and efficiently operate the residential facility within the 22333
requirements of state and federal law, but shall require the 22334
receiver to obtain court approval prior to making any single 22335
expenditure of more than five thousand dollars to correct 22336
deficiencies in the structure or furnishings of a facility. The 22337
court shall closely review the conduct of the receiver it has 22338
appointed and shall require regular and detailed reports. The 22339
receivership shall be reviewed at least every sixty days. 22340

(F) A receivership established pursuant to this section shall 22341
be terminated, following notification of the appropriate parties 22342
and a hearing, if the court determines either of the following: 22343

(1) The residential facility has been closed and the former 22344
residents have been relocated to an appropriate facility. 22345

(2) Circumstances no longer exist at the facility that 22346
present a substantial risk of physical or mental harm to 22347
residents, and there is no deficiency in the facility that is 22348
likely to create a future risk of harm. 22349

Notwithstanding division (F)(2) of this section, the court 22350
shall not terminate a receivership for a residential facility that 22351
has previously operated under another receivership unless the 22352
responsibility for the operation of the facility is transferred to 22353
an operator approved by the court and the department of 22354
developmental disabilities. 22355

(G) The department of developmental disabilities may, upon 22356
its own initiative or at the request of an owner, operator, or 22357
resident of a residential facility, or at the request of a 22358
resident's guardian or relative or a county board of developmental 22359
disabilities, petition the court to appoint a receiver to take 22360
possession of and operate a residential facility. When the 22361
department has been requested to file a petition by any of the 22362
parties listed above, it shall, within forty-eight hours of such 22363
request, either file such a petition or notify the requesting 22364
party of its decision not to file. If the department refuses to 22365
file, the requesting party may file a petition with the court 22366
requesting the appointment of a receiver to take possession of and 22367
operate a residential facility. 22368

Petitions filed pursuant to this division shall include the 22369
following: 22370

(1) A description of the specific conditions existing at the 22371
facility which present a substantial risk of physical or mental 22372
harm to residents; 22373

(2) A statement of the absence of other adequate remedies at 22374
law; 22375

(3) The number of individuals residing at the facility; 22376

(4) A statement that the facts have been brought to the attention of the owner or licensee and that conditions have not been remedied within a reasonable period of time or that the conditions, though remedied periodically, habitually exist at the facility as a pattern or practice;

(5) The name and address of the person holding the license for the facility and the address of the department of developmental disabilities.

The court may award to an operator appropriate costs and expenses, including reasonable attorney's fees, if it determines that a petitioner has initiated a proceeding in bad faith or merely for the purpose of harassing or embarrassing the operator.

(H) Except for the department of developmental disabilities or a county board of developmental disabilities, no party or person interested in an action shall be appointed a receiver pursuant to this section.

To assist the court in identifying persons qualified to be named as receivers, the director of developmental disabilities ~~or the director's designee~~ shall maintain a list of the names of such persons. The director shall, in accordance with Chapter 119. of the Revised Code, establish standards for evaluating persons desiring to be included on such a list.

(I) Before a receiver enters upon the duties of that person, the receiver must be sworn to perform the duties of receiver faithfully, and, with surety approved by the court, judge, or clerk, execute a bond to such person, and in such sum as the court or judge directs, to the effect that such receiver will faithfully discharge the duties of receiver in the action, and obey the orders of the court therein.

(J) Under the control of the appointing court, a receiver may bring and defend actions in the receiver's own name as receiver

and take and keep possession of property. 22408

The court shall authorize the receiver to do the following: 22409

(1) Collect payment for all goods and services provided to 22410
the residents or others during the period of the receivership at 22411
the same rate as was charged by the licensee at the time the 22412
petition for receivership was filed, unless a different rate is 22413
set by the court; 22414

(2) Honor all leases, mortgages, and secured transactions 22415
governing all buildings, goods, and fixtures of which the receiver 22416
has taken possession and continues to use, subject to the 22417
following conditions: 22418

(a) In the case of a rental agreement, only to the extent of 22419
payments that are for the use of the property during the period of 22420
the receivership; 22421

(b) In the case of a purchase agreement only to the extent of 22422
payments that come due during the period of the receivership. 22423

(3) If transfer of residents is necessary, provide for the 22424
orderly transfer of residents by doing the following: 22425

(a) Cooperating with all appropriate state and local agencies 22426
in carrying out the transfer of residents to alternative community 22427
placements; 22428

(b) Providing for the transportation of residents' belongings 22429
and records; 22430

(c) Helping to locate alternative placements and develop 22431
discharge plans; 22432

(d) Preparing residents for the trauma of discharge; 22433

(e) Permitting residents or guardians to participate in 22434
transfer or discharge planning except when an emergency exists and 22435
immediate transfer is necessary. 22436

(4) Make periodic reports on the status of the residential program to the appropriate state agency, county board of developmental disabilities, parents, guardians, and residents;

(5) Compromise demands or claims;

(6) Generally do such acts respecting the residential facility as the court authorizes.

(K) Neither the receiver nor the department of developmental disabilities is liable for debts incurred by the owner or operator of a residential facility for which a receiver has been appointed.

(L) The department of developmental disabilities may contract for the operation of a residential facility in receivership. The department shall establish the conditions of a contract. Notwithstanding any other provision of law, contracts that are necessary to carry out the powers and duties of the receiver need not be competitively bid.

(M) The department of developmental disabilities, the department of job and family services, and the department of health shall provide technical assistance to any receiver appointed pursuant to this section.

Sec. 5123.21. The director of developmental disabilities ~~or the director's designee~~ may transfer or authorize the transfer of an involuntary resident or a consenting voluntary resident from one public institution to another or to an institution other than a public institution or other facility, if the director determines that it would be consistent with the habilitation needs of the resident to do so.

Before an involuntary resident may be transferred to a more restrictive setting, the managing officer of the institution shall file a motion with the court requesting the court to amend its order of placement issued under section 5123.76 of the Revised

Code. At the resident's request, the court shall hold a hearing on 22467
the motion at which the resident has the same rights as at a full 22468
hearing under section 5123.76 of the Revised Code. 22469

Whenever a resident is transferred, the director shall give 22470
written notice of the transfer to the resident's legal guardian, 22471
parents, spouse, and counsel, or, if none is known, to the 22472
resident's nearest known relative or friend. If the resident is a 22473
minor, the ~~department~~ director before making such a transfer shall 22474
make a minute of the order for the transfer and the reason for it 22475
upon its record and shall send a certified copy at least seven 22476
days prior to the transfer to the person shown by its record to 22477
have had the care or custody of the minor immediately prior to the 22478
minor's commitment. Whenever a consenting voluntary resident is 22479
transferred, the notification shall be given only at the 22480
resident's request. The managing officer shall advise a voluntary 22481
resident who is being transferred that the patient may decide if 22482
such a notification shall be given. In all such transfers, due 22483
consideration shall be given to the relationship of the resident 22484
to the resident's family, legal guardian, or friends, so as to 22485
maintain relationships and encourage visits beneficial to the 22486
resident. 22487

Sec. 5123.61. (A) As used in this section: 22488

(1) "Law enforcement agency" means the state highway patrol, 22489
the police department of a municipal corporation, or a county 22490
sheriff. 22491

(2) "Abuse" has the same meaning as in section 5123.50 of the 22492
Revised Code, except that it includes a misappropriation, as 22493
defined in that section. 22494

(3) "Neglect" has the same meaning as in section 5123.50 of 22495
the Revised Code. 22496

(B) The department of developmental disabilities shall 22497
establish a registry office for the purpose of maintaining reports 22498
of abuse, neglect, and other major unusual incidents made to the 22499
department under this section and reports received from county 22500
boards of developmental disabilities under section 5126.31 of the 22501
Revised Code. The department shall establish committees to review 22502
reports of abuse, neglect, and other major unusual incidents. 22503

(C)(1) Any person listed in division (C)(2) of this section, 22504
having reason to believe that a person with mental retardation or 22505
a developmental disability has suffered or faces a substantial 22506
risk of suffering any wound, injury, disability, or condition of 22507
such a nature as to reasonably indicate abuse or neglect of that 22508
person, shall immediately report or cause reports to be made of 22509
such information to the entity specified in this division. Except 22510
as provided in section 5120.173 of the Revised Code or as 22511
otherwise provided in this division, the person making the report 22512
shall make it to a law enforcement agency or to the county board 22513
of developmental disabilities. If the report concerns a resident 22514
of a facility operated by the department of developmental 22515
disabilities the report shall be made either to a law enforcement 22516
agency or to the department. If the report concerns any act or 22517
omission of an employee of a county board of developmental 22518
disabilities, the report immediately shall be made to the 22519
department and to the county board. 22520

(2) All of the following persons are required to make a 22521
report under division (C)(1) of this section: 22522

(a) Any physician, including a hospital intern or resident, 22523
any dentist, podiatrist, chiropractor, practitioner of a limited 22524
branch of medicine as specified in section 4731.15 of the Revised 22525
Code, hospital administrator or employee of a hospital, nurse 22526
licensed under Chapter 4723. of the Revised Code, employee of an 22527
ambulatory health facility as defined in section 5101.61 of the 22528

Revised Code, employee of a home health agency, employee of a 22529
residential facility licensed under section 5119.34 of the Revised 22530
Code that provides accommodations, supervision, and person care 22531
services for three to sixteen unrelated adults, or employee of a 22532
community mental health facility; 22533

(b) Any school teacher or school authority, social worker, 22534
psychologist, attorney, peace officer, coroner, or residents' 22535
rights advocate as defined in section 3721.10 of the Revised Code; 22536

(c) A superintendent, board member, or employee of a county 22537
board of developmental disabilities; an administrator, board 22538
member, or employee of a residential facility licensed under 22539
section 5123.19 of the Revised Code; an administrator, board 22540
member, or employee of any other public or private provider of 22541
services to a person with mental retardation or a developmental 22542
disability, or any MR/DD employee, as defined in section 5123.50 22543
of the Revised Code; 22544

(d) A member of a citizen's advisory council established at 22545
an institution or branch institution of the department of 22546
developmental disabilities under section 5123.092 of the Revised 22547
Code; 22548

(e) A member of the clergy who is employed in a position that 22549
includes providing specialized services to an individual with 22550
mental retardation or another developmental disability, while 22551
acting in an official or professional capacity in that position, 22552
or a person who is employed in a position that includes providing 22553
specialized services to an individual with mental retardation or 22554
another developmental disability and who, while acting in an 22555
official or professional capacity, renders spiritual treatment 22556
through prayer in accordance with the tenets of an organized 22557
religion. 22558

(3)(a) The reporting requirements of this division do not 22559

apply to employees of the Ohio protection and advocacy system. 22560

(b) An attorney or physician is not required to make a report 22561
pursuant to division (C)(1) of this section concerning any 22562
communication the attorney or physician receives from a client or 22563
patient in an attorney-client or physician-patient relationship, 22564
if, in accordance with division (A) or (B) of section 2317.02 of 22565
the Revised Code, the attorney or physician could not testify with 22566
respect to that communication in a civil or criminal proceeding, 22567
except that the client or patient is deemed to have waived any 22568
testimonial privilege under division (A) or (B) of section 2317.02 22569
of the Revised Code with respect to that communication and the 22570
attorney or physician shall make a report pursuant to division 22571
(C)(1) of this section, if both of the following apply: 22572

(i) The client or patient, at the time of the communication, 22573
is a person with mental retardation or a developmental disability. 22574

(ii) The attorney or physician knows or suspects, as a result 22575
of the communication or any observations made during that 22576
communication, that the client or patient has suffered or faces a 22577
substantial risk of suffering any wound, injury, disability, or 22578
condition of a nature that reasonably indicates abuse or neglect 22579
of the client or patient. 22580

(4) Any person who fails to make a report required under 22581
division (C) of this section and who is an MR/DD employee, as 22582
defined in section 5123.50 of the Revised Code, shall be eligible 22583
to be included in the registry regarding misappropriation, abuse, 22584
neglect, or other specified misconduct by MR/DD employees 22585
established under section 5123.52 of the Revised Code. 22586

(D) The reports required under division (C) of this section 22587
shall be made forthwith by telephone or in person and shall be 22588
followed by a written report. The reports shall contain the 22589
following: 22590

(1) The names and addresses of the person with mental 22591
retardation or a developmental disability and the person's 22592
custodian, if known; 22593

(2) The age of the person with mental retardation or a 22594
developmental disability; 22595

(3) Any other information that would assist in the 22596
investigation of the report. 22597

(E) When a physician performing services as a member of the 22598
staff of a hospital or similar institution has reason to believe 22599
that a person with mental retardation or a developmental 22600
disability has suffered injury, abuse, or physical neglect, the 22601
physician shall notify the person in charge of the institution or 22602
that person's designated delegate, who shall make the necessary 22603
reports. 22604

(F) Any person having reasonable cause to believe that a 22605
person with mental retardation or a developmental disability has 22606
suffered or faces a substantial risk of suffering abuse or neglect 22607
may report or cause a report to be made of that belief to the 22608
entity specified in this division. Except as provided in section 22609
5120.173 of the Revised Code or as otherwise provided in this 22610
division, the person making the report shall make it to a law 22611
enforcement agency or the county board of developmental 22612
disabilities. If the person is a resident of a facility operated 22613
by the department of developmental disabilities, the report shall 22614
be made to a law enforcement agency or to the department. If the 22615
report concerns any act or omission of an employee of a county 22616
board of developmental disabilities, the report immediately shall 22617
be made to the department and to the county board. 22618

(G)(1) Upon the receipt of a report concerning the possible 22619
abuse or neglect of a person with mental retardation or a 22620
developmental disability, the law enforcement agency shall inform 22621

the county board of developmental disabilities or, if the person 22622
is a resident of a facility operated by the department of 22623
developmental disabilities, the ~~director of the~~ department ~~or the~~ 22624
~~director's designee.~~ 22625

(2) On receipt of a report under this section that includes 22626
an allegation of action or inaction that may constitute a crime 22627
under federal law or the law of this state, the department of 22628
developmental disabilities shall notify the law enforcement 22629
agency. 22630

(3) When a county board of developmental disabilities 22631
receives a report under this section that includes an allegation 22632
of action or inaction that may constitute a crime under federal 22633
law or the law of this state, the superintendent of the board or 22634
an individual the superintendent designates under division (H) of 22635
this section shall notify the law enforcement agency. The 22636
superintendent or individual shall notify the department of 22637
developmental disabilities when it receives any report under this 22638
section. 22639

(4) When a county board of developmental disabilities 22640
receives a report under this section and believes that the degree 22641
of risk to the person is such that the report is an emergency, the 22642
superintendent of the board or an employee of the board the 22643
superintendent designates shall attempt a face-to-face contact 22644
with the person with mental retardation or a developmental 22645
disability who allegedly is the victim within one hour of the 22646
board's receipt of the report. 22647

(H) The superintendent of the board may designate an 22648
individual to be responsible for notifying the law enforcement 22649
agency and the department when the county board receives a report 22650
under this section. 22651

(I) An adult with mental retardation or a developmental 22652

disability about whom a report is made may be removed from the 22653
adult's place of residence only by law enforcement officers who 22654
consider that the adult's immediate removal is essential to 22655
protect the adult from further injury or abuse or in accordance 22656
with the order of a court made pursuant to section 5126.33 of the 22657
Revised Code. 22658

(J) A law enforcement agency shall investigate each report of 22659
abuse or neglect it receives under this section. In addition, the 22660
department, in cooperation with law enforcement officials, shall 22661
investigate each report regarding a resident of a facility 22662
operated by the department to determine the circumstances 22663
surrounding the injury, the cause of the injury, and the person 22664
responsible. The investigation shall be in accordance with the 22665
memorandum of understanding prepared under section 5126.058 of the 22666
Revised Code. The department shall determine, with the registry 22667
office which shall be maintained by the department, whether prior 22668
reports have been made concerning an adult with mental retardation 22669
or a developmental disability or other principals in the case. If 22670
the department finds that the report involves action or inaction 22671
that may constitute a crime under federal law or the law of this 22672
state, it shall submit a report of its investigation, in writing, 22673
to the law enforcement agency. If the person with mental 22674
retardation or a developmental disability is an adult, with the 22675
consent of the adult, the department shall provide such protective 22676
services as are necessary to protect the adult. The law 22677
enforcement agency shall make a written report of its findings to 22678
the department. 22679

If the person is an adult and is not a resident of a facility 22680
operated by the department, the county board of developmental 22681
disabilities shall review the report of abuse or neglect in 22682
accordance with sections 5126.30 to 5126.33 of the Revised Code 22683
and the law enforcement agency shall make the written report of 22684

its findings to the county board. 22685

(K) Any person or any hospital, institution, school, health 22686
department, or agency participating in the making of reports 22687
pursuant to this section, any person participating as a witness in 22688
an administrative or judicial proceeding resulting from the 22689
reports, or any person or governmental entity that discharges 22690
responsibilities under sections 5126.31 to 5126.33 of the Revised 22691
Code shall be immune from any civil or criminal liability that 22692
might otherwise be incurred or imposed as a result of such actions 22693
except liability for perjury, unless the person or governmental 22694
entity has acted in bad faith or with malicious purpose. 22695

(L) No employer or any person with the authority to do so 22696
shall discharge, demote, transfer, prepare a negative work 22697
performance evaluation, reduce pay or benefits, terminate work 22698
privileges, or take any other action detrimental to an employee or 22699
retaliate against an employee as a result of the employee's having 22700
made a report under this section. This division does not preclude 22701
an employer or person with authority from taking action with 22702
regard to an employee who has made a report under this section if 22703
there is another reasonable basis for the action. 22704

(M) Reports made under this section are not public records as 22705
defined in section 149.43 of the Revised Code. Information 22706
contained in the reports on request shall be made available to the 22707
person who is the subject of the report, to the person's legal 22708
counsel, and to agencies authorized to receive information in the 22709
report by the department or by a county board of developmental 22710
disabilities. 22711

(N) Notwithstanding section 4731.22 of the Revised Code, the 22712
physician-patient privilege shall not be a ground for excluding 22713
evidence regarding the injuries or physical neglect of a person 22714
with mental retardation or a developmental disability or the cause 22715
thereof in any judicial proceeding resulting from a report 22716

submitted pursuant to this section. 22717

Sec. 5123.75. A respondent who is involuntarily placed in an 22718
institution or other place as designated in section 5123.77 of the 22719
Revised Code or with respect to whom proceedings have been 22720
instituted under section 5123.71 of the Revised Code shall, on 22721
request of the respondent, the respondent's guardian, or the 22722
respondent's counsel, or upon the court's own motion, be afforded 22723
a hearing to determine whether there is probable cause to believe 22724
that the respondent is a mentally retarded person subject to 22725
institutionalization by court order. 22726

(A) The probable cause hearing shall be conducted within two 22727
court days from the day on which the request is made. Failure to 22728
conduct the probable cause hearing within this time shall effect 22729
an immediate discharge of the respondent. If the proceedings are 22730
not reinstated within thirty days, records of the proceedings 22731
shall be expunged. 22732

(B) The respondent shall be informed that the respondent may 22733
retain counsel and have independent expert evaluation and, if the 22734
respondent is an indigent person, be represented by court 22735
appointed counsel and have independent expert evaluation at court 22736
expense. 22737

(C) The probable cause hearing shall be conducted in a manner 22738
consistent with the procedures set forth in division (A) of 22739
section 5123.76 of the Revised Code, except divisions (A)(10) and 22740
(14) of that section, and the designee of the director of 22741
developmental disabilities under section 5123.72 of the Revised 22742
Code shall present evidence for the state. 22743

(D) If the court does not find probable cause to believe that 22744
the respondent is a mentally retarded person subject to 22745
institutionalization by court order, it shall order immediate 22746
release of the respondent and dismiss and expunge all record of 22747

the proceedings under this chapter. 22748

(E) On motion of the respondent or the respondent's counsel 22749
and for good cause shown, the court may order a continuance of the 22750
hearing. 22751

(F) If the court finds probable cause to believe that the 22752
respondent is a mentally retarded person subject to 22753
institutionalization by court order, the court may issue an 22754
interim order of placement and, where proceedings under section 22755
5123.71 of the Revised Code have been instituted, shall order a 22756
full hearing as provided in section 5123.76 of the Revised Code to 22757
be held on the question of whether the respondent is a mentally 22758
retarded person subject to institutionalization by court order. 22759
Unless specifically waived by the respondent or the respondent's 22760
counsel, the court shall schedule said hearing to be held as soon 22761
as possible within ten days from the probable cause hearing. A 22762
waiver of such full hearing at this point shall not preclude the 22763
respondent from asserting the respondent's right to such hearing 22764
under section 5123.76 of the Revised Code at any time prior to the 22765
mandatory hearing provided in division (H) of section 5123.76 of 22766
the Revised Code. In any case, if the respondent has waived the 22767
right to the full hearing, a mandatory hearing shall be held under 22768
division (H) of section 5123.76 of the Revised Code between the 22769
ninetieth and the one hundredth day after the original involuntary 22770
detention of the person unless the respondent has been discharged. 22771

(G) Whenever possible, the probable cause hearing shall be 22772
held before the respondent is taken into custody. 22773

Sec. 5123.76. (A) The full hearing shall be conducted in a 22774
manner consistent with the procedures outlined in this chapter and 22775
with due process of law. The hearing shall be held by a judge of 22776
the probate division or, upon transfer by the judge of the probate 22777
division, by another judge of the court of common pleas, or a 22778

referee designated by the judge of the probate division. Any 22779
referee designated by the judge of the probate division must be an 22780
attorney. 22781

(1) The following shall be made available to counsel for the 22782
respondent: 22783

(a) All relevant documents, information, and evidence in the 22784
custody or control of the state or prosecutor; 22785

(b) All relevant documents, information, and evidence in the 22786
custody or control of the institution, facility, or program in 22787
which the respondent currently is held or in which the respondent 22788
has been held pursuant to these proceedings; 22789

(c) With the consent of the respondent, all relevant 22790
documents, information, and evidence in the custody or control of 22791
any institution or person other than the state. 22792

(2) The respondent has the right to be represented by counsel 22793
of the respondent's choice and has the right to attend the hearing 22794
except if unusual circumstances of compelling medical necessity 22795
exist that render the respondent unable to attend and the 22796
respondent has not expressed a desire to attend. 22797

(3) If the respondent is not represented by counsel and the 22798
court determines that the conditions specified in division (A)(2) 22799
of this section justify the respondent's absence and the right to 22800
counsel has not been validly waived, the court shall appoint 22801
counsel forthwith to represent the respondent at the hearing, 22802
reserving the right to tax costs of appointed counsel to the 22803
respondent unless it is shown that the respondent is indigent. If 22804
the court appoints counsel, or if the court determines that the 22805
evidence relevant to the respondent's absence does not justify the 22806
absence, the court shall continue the case. 22807

(4) The respondent shall be informed of the right to retain 22808
counsel, to have independent expert evaluation, and, if an 22809

indigent person, to be represented by court appointed counsel and 22810
have expert independent evaluation at court expense. 22811

(5) The hearing may be closed to the public unless counsel 22812
for the respondent requests that the hearing be open to the 22813
public. 22814

(6) Unless objected to by the respondent, the respondent's 22815
counsel, or the designee of the director of developmental 22816
disabilities under section 5123.72 of the Revised Code, the court, 22817
for good cause shown, may admit persons having a legitimate 22818
interest in the proceedings. 22819

(7) The affiant under section 5123.71 of the Revised Code 22820
shall be subject to subpoena by either party. 22821

(8) The court shall examine the sufficiency of all documents 22822
filed and shall inform the respondent, if present, and the 22823
respondent's counsel of the nature of the content of the documents 22824
and the reason for which the respondent is being held or for which 22825
the respondent's placement is being sought. 22826

(9) The court shall receive only relevant, competent, and 22827
material evidence. 22828

(10) ~~The~~ In accordance with section 5123.72 of the Revised 22829
Code, the designee of the director shall present the evidence for 22830
the state. In proceedings under this chapter, the attorney general 22831
shall present the comprehensive evaluation, assessment, diagnosis, 22832
prognosis, record of habilitation and care, if any, and less 22833
restrictive habilitation plans, if any. The attorney general does 22834
not have a similar presentation responsibility in connection with 22835
a person who has been found not guilty by reason of insanity and 22836
who is the subject of a hearing under section 2945.40 of the 22837
Revised Code to determine whether the person is a mentally 22838
retarded person subject to institutionalization by court order. 22839

(11) The respondent has the right to testify and the 22840

respondent or the respondent's counsel has the right to subpoena 22841
witnesses and documents and to present and cross-examine 22842
witnesses. 22843

(12) The respondent shall not be compelled to testify and 22844
shall be so advised by the court. 22845

(13) On motion of the respondent or the respondent's counsel 22846
for good cause shown, or upon the court's own motion, the court 22847
may order a continuance of the hearing. 22848

(14) To an extent not inconsistent with this chapter, the 22849
Rules of Civil Procedure shall be applicable. 22850

(B) Unless, upon completion of the hearing, the court finds 22851
by clear and convincing evidence that the respondent named in the 22852
affidavit is a mentally retarded person subject to 22853
institutionalization by court order, it shall order the 22854
respondent's discharge forthwith. 22855

(C) If, upon completion of the hearing, the court finds by 22856
clear and convincing evidence that the respondent is a mentally 22857
retarded person subject to institutionalization by court order, 22858
the court may order the respondent's discharge or order the 22859
respondent, for a period not to exceed ninety days, to any of the 22860
following: 22861

(1) A public institution, provided that commitment of the 22862
respondent to the institution will not cause the institution to 22863
exceed its licensed capacity determined in accordance with section 22864
5123.19 of the Revised Code and provided that such a placement is 22865
indicated by the comprehensive evaluation report filed pursuant to 22866
section 5123.71 of the Revised Code; 22867

(2) A private institution; 22868

(3) A county mental retardation program; 22869

(4) Receive private habilitation and care; 22870

(5) Any other suitable facility, program, or the care of any person consistent with the comprehensive evaluation, assessment, diagnosis, prognosis, and habilitation needs of the respondent.

(D) Any order made pursuant to division (C)(2), (4), or (5) of this section shall be conditional upon the receipt by the court of consent by the facility, program, or person to accept the respondent.

(E) In determining the place to which, or the person with whom, the respondent is to be committed, the court shall consider the comprehensive evaluation, assessment, diagnosis, and projected habilitation plan for the respondent, and shall order the implementation of the least restrictive alternative available and consistent with habilitation goals.

(F) If, at any time it is determined by the director of the facility or program to which, or the person to whom, the respondent is committed that the respondent could be equally well habilitated in a less restrictive environment that is available, the following shall occur:

(1) The respondent shall be released by the director of the facility or program or by the person forthwith and referred to the court together with a report of the findings and recommendations of the facility, program, or person.

(2) The director of the facility or program or the person shall notify the respondent's counsel and the designee of the director of developmental disabilities.

(3) The court shall dismiss the case or order placement in the less restrictive environment.

(G)(1) Except as provided in divisions (G)(2) and (3) of this section, any person who has been committed under this section may apply at any time during the ninety-day period for voluntary admission to an institution under section 5123.69 of the Revised

Code. Upon admission of a voluntary resident, the managing officer 22902
immediately shall notify the court, the respondent's counsel, and 22903
the designee of the director in writing of that fact by mail or 22904
otherwise, and, upon receipt of the notice, the court shall 22905
dismiss the case. 22906

(2) A person who is found incompetent to stand trial or not 22907
guilty by reason of insanity and who is committed pursuant to 22908
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 22909
Code shall not be voluntarily admitted to an institution pursuant 22910
to division (G)(1) of this section until after the termination of 22911
the commitment, as described in division (J) of section 2945.401 22912
of the Revised Code. 22913

(H) If, at the end of any commitment period, the respondent 22914
has not already been discharged or has not requested voluntary 22915
admission status, the director of the facility or program, or the 22916
person to whose care the respondent has been committed, shall 22917
discharge the respondent forthwith, unless at least ten days 22918
before the expiration of that period the designee of the director 22919
of developmental disabilities or the prosecutor files an 22920
application with the court requesting continued commitment. 22921

(1) An application for continued commitment shall include a 22922
written report containing a current comprehensive evaluation and 22923
assessment, a diagnosis, a prognosis, an account of progress and 22924
past habilitation, and a description of alternative habilitation 22925
settings and plans, including a habilitation setting that is the 22926
least restrictive setting consistent with the need for 22927
habilitation. A copy of the application shall be provided to 22928
respondent's counsel. The requirements for notice under section 22929
5123.73 of the Revised Code and the provisions of divisions (A) to 22930
(E) of this section apply to all hearings on such applications. 22931

(2) A hearing on the first application for continued 22932
commitment shall be held at the expiration of the first ninety-day 22933

period. The hearing shall be mandatory and may not be waived. 22934

(3) Subsequent periods of commitment not to exceed one 22935
hundred eighty days each may be ordered by the court if the 22936
designee of the director of developmental disabilities files an 22937
application for continued commitment, after a hearing is held on 22938
the application or without a hearing if no hearing is requested 22939
and no hearing required under division (H)(4) of this section is 22940
waived. Upon the application of a person involuntarily committed 22941
under this section, supported by an affidavit of a licensed 22942
physician alleging that the person is no longer a mentally 22943
retarded person subject to institutionalization by court order, 22944
the court for good cause shown may hold a full hearing on the 22945
person's continued commitment prior to the expiration of any 22946
subsequent period of commitment set by the court. 22947

(4) A mandatory hearing shall be held at least every two 22948
years after the initial commitment. 22949

(5) If the court, after a hearing upon a request to continue 22950
commitment, finds that the respondent is a mentally retarded 22951
person subject to institutionalization by court order, the court 22952
may make an order pursuant to divisions (C), (D), and (E) of this 22953
section. 22954

(I) Notwithstanding the provisions of division (H) of this 22955
section, no person who is found to be a mentally retarded person 22956
subject to institutionalization by court order pursuant to 22957
division (O)(2) of section 5123.01 of the Revised Code shall be 22958
held under involuntary commitment for more than five years. 22959

(J) The managing officer admitting a person pursuant to a 22960
judicial proceeding, within ten working days of the admission, 22961
shall make a report of the admission to the department. 22962

Sec. 5123.89. (A) As used in this section: 22963

(1) "Family" means a parent, brother, sister, spouse, son, daughter, grandparent, aunt, uncle, or cousin. 22964
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(2) "Payment" means activities undertaken by a service provider or government entity to obtain or provide reimbursement for services provided to a person. 22966
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(3) "Treatment" means the provision of services to a person, including the coordination or management of services provided to the person. 22969
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(B) All certificates, applications, records, and reports made for the purpose of this chapter, other than court journal entries or court docket entries, which directly or indirectly identify a resident or former resident of an institution for the mentally retarded or person whose institutionalization has been sought under this chapter shall be kept confidential and shall not be disclosed by any person except in the following situations: 22972
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(1) It is the judgment of the court for judicial records, and the managing officer for institution records, that disclosure is in the best interest of the person identified, and that person or that person's guardian or, if that person is a minor, that person's parent or guardian consents. 22979
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(2) Disclosure is provided for in other sections of this chapter. 22984
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(3) It is the judgment of the managing officer for institution records that disclosure to a mental health facility is in the best interest of the person identified. 22986
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(4) Disclosure is of a record deposited with the Ohio historical society pursuant to division (C) of section 5123.31 of the Revised Code and the disclosure is made to the closest living relative of the person identified, on the relative's request. 22989
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~~(B)~~(5) Disclosure is needed for the treatment of a person who 22993

is a resident or former resident of an institution for the 22994
mentally retarded or a person whose institutionalization has been 22995
sought under this chapter or is needed for the payment of services 22996
provided to the person. 22997

(C) The department of developmental disabilities shall adopt 22998
rules with respect to the systematic and periodic destruction of 22999
residents' records. 23000

~~(C)(1) As used in this division, "family" means a parent,~~ 23001
~~brother, sister, spouse, son, daughter, grandparent, aunt, uncle,~~ 23002
~~or cousin.~~ 23003

~~(2)~~(D) Upon the death of a resident or former resident of an 23004
institution for the mentally retarded or a person whose 23005
institutionalization was sought under this chapter, the managing 23006
officer of an institution shall provide access to the 23007
certificates, applications, records, and reports made for the 23008
purposes of this chapter to the resident's, former resident's, or 23009
person's guardian if the guardian makes a written request. If a 23010
deceased resident, former resident, or person whose 23011
institutionalization was sought under this chapter did not have a 23012
guardian at the time of death, the managing officer shall provide 23013
access to the certificates, applications, records, and reports 23014
made for purposes of this chapter to a member of the person's 23015
family, upon that family member's written request. 23016

~~(D)~~(E) No person shall reveal the contents of a record of a 23017
resident except as authorized by this chapter. 23018

Sec. 5124.01. As used in this chapter: 23019

(A) "Affiliated operator" means an operator affiliated with 23020
either of the following: 23021

(1) The exiting operator for whom the affiliated operator is 23022
to assume liability for the entire amount of the exiting 23023

operator's debt under the medicaid program or the portion of the 23024
debt that represents the franchise permit fee the exiting operator 23025
owes; 23026

(2) The entering operator involved in the change of operator 23027
with the exiting operator specified in division (A)(1) of this 23028
section. 23029

(B) "Allowable costs" means an ICF/IID's costs that the 23030
department of developmental disabilities determines are 23031
reasonable. Fines paid under section 5124.99 of the Revised Code 23032
are not allowable costs. 23033

(C) "Capital costs" means an ICF/IID's costs of ownership and 23034
costs of nonextensive renovation. 23035

(D) "Case-mix score" means the measure determined under 23036
section 5124.192 of the Revised Code of the relative direct-care 23037
resources needed to provide care and habilitation to an ICF/IID 23038
resident. 23039

(E) "Change of operator" means an entering operator becoming 23040
the operator of an ICF/IID in the place of the exiting operator. 23041

(1) Actions that constitute a change of operator include the 23042
following: 23043

(a) A change in an exiting operator's form of legal 23044
organization, including the formation of a partnership or 23045
corporation from a sole proprietorship; 23046

(b) A transfer of all the exiting operator's ownership 23047
interest in the operation of the ICF/IID to the entering operator, 23048
regardless of whether ownership of any or all of the real property 23049
or personal property associated with the ICF/IID is also 23050
transferred; 23051

(c) A lease of the ICF/IID to the entering operator or the 23052
exiting operator's termination of the exiting operator's lease; 23053

(d) If the exiting operator is a partnership, dissolution of the partnership;	23054 23055
(e) If the exiting operator is a partnership, a change in composition of the partnership unless both of the following apply:	23056 23057
(i) The change in composition does not cause the partnership's dissolution under state law.	23058 23059
(ii) The partners agree that the change in composition does not constitute a change in operator.	23060 23061
(f) If the operator is a corporation, dissolution of the corporation, a merger of the corporation into another corporation that is the survivor of the merger, or a consolidation of one or more other corporations to form a new corporation.	23062 23063 23064 23065
(2) The following, alone, do not constitute a change of operator:	23066 23067
(a) A contract for an entity to manage an ICF/IID as the operator's agent, subject to the operator's approval of daily operating and management decisions;	23068 23069 23070
(b) A change of ownership, lease, or termination of a lease of real property or personal property associated with an ICF/IID if an entering operator does not become the operator in place of an exiting operator;	23071 23072 23073 23074
(c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator.	23075 23076 23077 23078
(F) "Cost center" means the following:	23079
(1) Capital costs;	23080
(2) Direct care costs;	23081
(3) Indirect care costs;	23082

(4) Other protected costs.	23083
(G) "Costs of nonextensive renovations" means the actual expense incurred by an ICF/IID for depreciation or amortization and interest on renovations that are not extensive renovations.	23084 23085 23086
(H)(1) "Costs of ownership" means the actual expenses incurred by an ICF/IID for all of the following:	23087 23088
(a) Subject to division (H)(2) of this section, depreciation and interest on any capital assets that cost five hundred dollars or more per item, including the following:	23089 23090 23091
(i) Buildings;	23092
(ii) Building improvements that are not approved as nonextensive renovations under section 5124.17 of the Revised Code;	23093 23094 23095
(iii) Equipment;	23096
(iv) Extensive renovations;	23097
(v) Transportation equipment.	23098
(b) Amortization and interest on land improvements and leasehold improvements;	23099 23100
(c) Amortization of financing costs;	23101
(d) Except as provided in division (Z) of this section, lease and rent of land, building, and equipment.	23102 23103
(2) The costs of capital assets of less than five hundred dollars per item may be considered costs of ownership in accordance with an ICF/IID provider's practice.	23104 23105 23106
(I)(1) "Date of licensure" means the following:	23107
(a) In the case of an ICF/IID that was originally licensed as a nursing home under Chapter 3721. of the Revised Code, the date that it was originally so licensed, regardless that it was subsequently licensed as a residential facility under section	23108 23109 23110 23111

5123.19 of the Revised Code; 23112

(b) In the case of an ICF/IID that was originally licensed as 23113
a residential facility under section 5123.19 of the Revised Code, 23114
the date it was originally so licensed; 23115

(c) In the case of an ICF/IID that was not required by law to 23116
be licensed as a nursing home or residential facility when it was 23117
originally operated as a residential facility, the date it first 23118
was operated as a residential facility, regardless of the date the 23119
ICF/IID was first licensed as a nursing home or residential 23120
facility. 23121

(2) If, after an ICF/IID's original date of licensure, more 23122
residential facility beds are added to the ICF/IID or all or part 23123
of the ICF/IID undergoes an extensive renovation, the ICF/IID has 23124
a different date of licensure for the additional beds or 23125
extensively renovated portion of the ICF/IID. This does not apply, 23126
however, to additional beds when both of the following apply: 23127

(a) The additional beds are located in a part of the ICF/IID 23128
that was constructed at the same time as the continuing beds 23129
already located in that part of the ICF/IID. 23130

(b) The part of the ICF/IID in which the additional beds are 23131
located was constructed as part of the ICF/IID at a time when the 23132
ICF/IID was not required by law to be licensed as a nursing home 23133
or residential facility. 23134

(3) The definition of "date of licensure" in this section 23135
applies in determinations of ICFs/IID's medicaid payment rates but 23136
does not apply in determinations of ICFs/IID's franchise permit 23137
fees under sections 5168.60 to 5168.71 of the Revised Code. 23138

(J) "Desk-reviewed" means that an ICF/IID's costs as reported 23139
on a cost report filed under section 5124.10 or 5124.101 of the 23140
Revised Code have been subjected to a desk review under section 23141
5124.108 of the Revised Code and preliminarily determined to be 23142

allowable costs.	23143
(K) "Developmental center" means a residential facility that	23144
is maintained and operated by the department of developmental	23145
disabilities.	23146
(L) "Direct care costs" means all of the following costs	23147
incurred by an ICF/IID:	23148
(1) Costs for registered nurses, licensed practical nurses,	23149
and nurse aides employed by the ICF/IID;	23150
(2) Costs for direct care staff, administrative nursing	23151
staff, medical directors, respiratory therapists, physical	23152
therapists, physical therapy assistants, occupational therapists,	23153
occupational therapy assistants, speech therapists, audiologists,	23154
habilitation staff (including habilitation supervisors), qualified	23155
intellectual disability professionals, program directors, social	23156
services staff, activities staff, off-site day programming,	23157
psychologists, psychology assistants, social workers, counselors,	23158
and other persons holding degrees qualifying them to provide	23159
therapy;	23160
(3) Costs of purchased nursing services;	23161
(4) Costs of training and staff development, employee	23162
benefits, payroll taxes, and workers' compensation premiums or	23163
costs for self-insurance claims and related costs as specified in	23164
rules adopted under section 5124.03 of the Revised Code, for	23165
personnel listed in divisions (L)(1), (2), and (3) of this	23166
section;	23167
(5) Costs of quality assurance;	23168
(6) Costs of consulting and management fees related to direct	23169
care;	23170
(7) Allocated direct care home office costs;	23171
(8) Costs of other direct-care resources that are specified	23172

as direct care costs in rules adopted under section 5124.03 of the Revised Code. 23173
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(M) "Downsized ICF/IID" means an ICF/IID that permanently reduced its medicaid-certified capacity pursuant to a plan approved by the department of developmental disabilities under section 5123.042 of the Revised Code. 23175
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(N) "Effective date of a change of operator" means the day the entering operator becomes the operator of the ICF/IID. 23179
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(O) "Effective date of a facility closure" means the last day that the last of the residents of the ICF/IID resides in the ICF/IID. 23181
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(P) "Effective date of an involuntary termination" means the date the department of medicaid terminates the operator's provider agreement for the ICF/IID or the last day that such a provider agreement is in effect when the department cancels or refuses to revalidate it. 23184
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(Q) "Effective date of a voluntary termination" means the day the ICF/IID ceases to accept medicaid recipients. 23189
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(R) "Entering operator" means the person or government entity that will become the operator of an ICF/IID when a change of operator occurs or following an involuntary termination. 23191
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(S) "Exiting operator" means any of the following: 23194

(1) An operator that will cease to be the operator of an ICF/IID on the effective date of a change of operator; 23195
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(2) An operator that will cease to be the operator of an ICF/IID on the effective date of a facility closure; 23197
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(3) An operator of an ICF/IID that is undergoing or has undergone a voluntary termination; 23199
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(4) An operator of an ICF/IID that is undergoing or has undergone an involuntary termination. 23201
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(T)(1) "Extensive renovation" means the following:	23203
(a) An ICF/IID's betterment, improvement, or restoration to which both of the following apply:	23204 23205
(i) It was started before July 1, 1993 + .	23206
(ii) It meets the definition of "extensive renovation" established in rules that were adopted by the director of job and family services and in effect on December 22, 1992.	23207 23208 23209
(b) An ICF/IID's betterment, improvement, or restoration to which all of the following apply:	23210 23211
(i) It was started on or after July 1, 1993 + .	23212
(ii) Except as provided in division (T)(2) of this section, it costs more than sixty-five per cent and not more than eighty-five per cent of the cost of constructing a new bed + .	23213 23214 23215
(iii) It extends the useful life of the assets for at least ten years.	23216 23217
(2) The department of developmental disabilities may treat a renovation that costs more than eighty-five per cent of the cost of constructing new beds as an extensive renovation if the department determines that the renovation is more prudent than construction of new beds.	23218 23219 23220 23221 23222
(3) For the purpose of division (T)(1)(b)(ii) of this section, the cost of constructing a new bed shall be considered to be forty thousand dollars, adjusted for the estimated rate of inflation from January 1, 1993, to the end of the calendar year during which the extensive renovation is completed, using the consumer price index for shelter costs for all urban consumers for the north central region, as published by the United States bureau of labor statistics.	23223 23224 23225 23226 23227 23228 23229 23230
(U)(1) Subject to divisions (U)(2) and (3) of this section, "facility closure" means either of the following:	23231 23232

(a) Discontinuance of the use of the building, or part of the building, that houses the facility as an ICF/IID that results in the relocation of all of the facility's residents;	23233 23234 23235
(b) Conversion of the building, or part of the building, that houses an ICF/IID to a different use with any necessary license or other approval needed for that use being obtained and one or more of the facility's residents remaining in the facility to receive services under the new use.	23236 23237 23238 23239 23240
(2) A facility closure occurs regardless of any of the following:	23241 23242
(a) The operator completely or partially replacing the ICF/IID by constructing a new ICF/IID or transferring the ICF/IID's license to another ICF/IID;	23243 23244 23245
(b) The ICF/IID's residents relocating to another of the operator's ICFs/IID;	23246 23247
(c) Any action the department of health takes regarding the ICF/IID's medicaid certification that may result in the transfer of part of the ICF/IID's survey findings to another of the operator's ICFs/IID;	23248 23249 23250 23251
(d) Any action the department of developmental disabilities takes regarding the ICF/IID's license under section 5123.19 of the Revised Code.	23252 23253 23254
(3) A facility closure does not occur if all of the ICF/IID's residents are relocated due to an emergency evacuation and one or more of the residents return to a medicaid-certified bed in the ICF/IID not later than thirty days after the evacuation occurs.	23255 23256 23257 23258
(V) "Fiscal year" means the fiscal year of this state, as specified in section 9.34 of the Revised Code.	23259 23260
(W) "Franchise permit fee" means the fee imposed by sections 5168.60 to 5168.71 of the Revised Code.	23261 23262

(X) "Home and community-based services" has the same meaning as in section 5123.01 of the Revised Code. 23263
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(Y) "ICF/IID services" has the same meaning as in 42 C.F.R. 440.150. 23265
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(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, help-wanted advertising, informational advertising, start-up costs, organizational expenses, other interest, property insurance, employee training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs, as specified in rules adopted under section 5124.03 of the Revised Code, for personnel listed in this division. Notwithstanding division (H) of this section, "indirect care costs" also means the cost of equipment, including vehicles, acquired by operating lease executed before December 1, 1992, if the costs are reported as administrative and general costs on the ICF/IID's cost report for the cost reporting period ending December 31, 1992. 23267
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(2) For the purpose of division (Z)(1) of this section, an operating lease shall be construed in accordance with generally accepted accounting principles. 23290
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(AA) "Inpatient days" means both of the following: 23293

(1) All days during which a resident, regardless of payment source, occupies a bed in an ICF/IID that is included in the ICF/IID's medicaid-certified capacity;	23294 23295 23296
(2) All days for which payment is made under section 5124.34 of the Revised Code.	23297 23298
(BB) "Intermediate care facility for individuals with <u>intellectual</u> disabilities" and "ICF/IID" mean an intermediate care facility for the mentally retarded as defined in the "Social Security Act," section 1905(d), 42 U.S.C. 1396d(d).	23299 23300 23301 23302
(CC) "Involuntary termination" means the department of medicaid's termination of, cancellation of, or refusal to revalidate the operator's provider agreement for the ICF/IID when such action is not taken at the operator's request.	23303 23304 23305 23306
(DD) "Maintenance and repair expenses" means, except as provided in division (FF) (WW)(2)(b) of this section, expenditures that are necessary and proper to maintain an asset in a normally efficient working condition and that do not extend the useful life of the asset two years or more. "Maintenance and repair expenses" includes the costs of ordinary repairs such as painting and wallpapering.	23307 23308 23309 23310 23311 23312 23313
(EE) "Medicaid-certified capacity" means the number of an ICF/IID's beds that are certified for participation in medicaid as ICF/IID beds.	23314 23315 23316
(FF) "Medicaid days" means both of the following:	23317
(1) All days during which a resident who is a medicaid recipient eligible for ICF/IID services occupies a bed in an ICF/IID that is included in the ICF/IID's medicaid-certified capacity;	23318 23319 23320 23321
(2) All days for which payment is made under section 5124.34 of the Revised Code.	23322 23323

(GG)(1) "New ICF/IID" means an ICF/IID for which the provider obtains an initial provider agreement following the director of health's medicaid certification of the ICF/IID, including such an ICF/IID that replaces one or more ICFs/IID for which a provider previously held a provider agreement.

(2) "New ICF/IID" does not mean either of the following:

(a) An ICF/IID for which the entering operator seeks a provider agreement pursuant to section 5124.511 or 5124.512 or (pursuant to section 5124.515) section 5124.07 of the Revised Code;

(b) A downsized ICF/IID or partially converted ICF/IID.

(HH) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code.

(II) "Operator" means the person or government entity responsible for the daily operating and management decisions for an ICF/IID.

(JJ) "Other protected costs" means costs incurred by an ICF/IID for medical supplies; real estate, franchise, and property taxes; natural gas, fuel oil, water, electricity, sewage, and refuse and hazardous medical waste collection; allocated other protected home office costs; and any additional costs defined as other protected costs in rules adopted under section 5124.03 of the Revised Code.

(KK)(1) "Owner" means any person or government entity that has at least five per cent ownership or interest, either directly, indirectly, or in any combination, in any of the following regarding an ICF/IID:

(a) The land on which the ICF/IID is located;

(b) The structure in which the ICF/IID is located;

(c) Any mortgage, contract for deed, or other obligation

secured in whole or in part by the land or structure on or in 23354
which the ICF/IID is located; 23355

(d) Any lease or sublease of the land or structure on or in 23356
which the ICF/IID is located. 23357

(2) "Owner" does not mean a holder of a debenture or bond 23358
related to an ICF/IID and purchased at public issue or a regulated 23359
lender that has made a loan related to the ICF/IID unless the 23360
holder or lender operates the ICF/IID directly or through a 23361
subsidiary. 23362

(LL) "Partially converted ICF/IID" means an ICF/IID that 23363
converted some, but not all, of its beds to providing home and 23364
community-based services under the individual options waiver 23365
pursuant to section 5124.60 or 5124.61 of the Revised Code. 23366

(MM) "Peer group 1" means each ICF/IID with a 23367
medicaid-certified capacity exceeding eight. 23368

(NN) "Peer group 2" means each ICF/IID with a 23369
medicaid-certified capacity not exceeding eight, other than an 23370
ICF/IID that is in peer group 3. 23371

(OO) "Peer group 3" means each ICF/IID to which all of the 23372
following apply: 23373

(1) The ICF/IID is first certified as an ICF/IID after July 23374
1, 2014; 23375

(2) The ICF/IID has a medicaid-certified capacity not 23376
exceeding six; 23377

(3) The ICF/IID has a contract with the department of 23378
developmental disabilities that is for fifteen years and includes 23379
a provision for the department to approve all admissions to, and 23380
discharges from, the ICF/IID; 23381

(4) The ICF/IID's residents are admitted to the ICF/IID 23382
directly from a developmental center or have been determined by 23383

the department to be at risk of admission to a developmental center. 23384
23385

(PP)(1) Except as provided in divisions ~~(MM)~~(PP)(2) and (3) 23386
of this section, "per diem" means an ICF/IID's desk-reviewed, 23387
actual, allowable costs in a given cost center in a cost reporting 23388
period, divided by the facility's inpatient days for that cost 23389
reporting period. 23390

(2) When determining capital costs for the purpose of section 23391
5124.17 of the Revised Code, "per diem" means an ICF/IID's actual, 23392
allowable capital costs in a ~~cost-reporting~~ cost reporting period 23393
divided by the greater of the facility's inpatient days for that 23394
period or the number of inpatient days the ICF/IID would have had 23395
during that period if its occupancy rate had been ninety-five per 23396
cent. 23397

(3) When determining indirect care costs for the purpose of 23398
section 5124.21 of the Revised Code, "per diem" means an ICF/IID's 23399
actual, allowable indirect care costs in a ~~cost-reporting~~ cost 23400
reporting period divided by the greater of the ICF/IID's inpatient 23401
days for that period or the number of inpatient days the ICF/IID 23402
would have had during that period if its occupancy rate had been 23403
eighty-five per cent. 23404

~~(NN)~~(OO) "Provider" means an operator with a valid provider 23405
agreement. 23406

~~(OO)~~(RR) "Provider agreement" means a provider agreement, as 23407
defined in section 5164.01 of the Revised Code, that is between 23408
the department of medicaid and the operator of an ICF/IID for the 23409
provision of ICF/IID services under the medicaid program. 23410

~~(PP)~~(SS) "Purchased nursing services" means services that are 23411
provided in an ICF/IID by registered nurses, licensed practical 23412
nurses, or nurse aides who are not employees of the ICF/IID. 23413

~~(OO)~~(TT) "Reasonable" means that a cost is an actual cost 23414

that is appropriate and helpful to develop and maintain the 23415
operation of resident care facilities and activities, including 23416
normal standby costs, and that does not exceed what a prudent 23417
buyer pays for a given item or services. Reasonable costs may vary 23418
from provider to provider and from time to time for the same 23419
provider. 23420

~~(RR)~~(UU) "Related party" means an individual or organization 23421
that, to a significant extent, has common ownership with, is 23422
associated or affiliated with, has control of, or is controlled 23423
by, a provider. 23424

(1) An individual who is a relative of an owner is a related 23425
party. 23426

(2) Common ownership exists when an individual or individuals 23427
possess significant ownership or equity in both the provider and 23428
the other organization. Significant ownership or equity exists 23429
when an individual or individuals possess five per cent ownership 23430
or equity in both the provider and a supplier. Significant 23431
ownership or equity is presumed to exist when an individual or 23432
individuals possess ten per cent ownership or equity in both the 23433
provider and another organization from which the provider 23434
purchases or leases real property. 23435

(3) Control exists when an individual or organization has the 23436
power, directly or indirectly, to significantly influence or 23437
direct the actions or policies of an organization. 23438

(4) An individual or organization that supplies goods or 23439
services to a provider shall not be considered a related party if 23440
all of the following conditions are met: 23441

(a) The supplier is a separate bona fide organization. 23442

(b) A substantial part of the supplier's business activity of 23443
the type carried on with the provider is transacted with others 23444
than the provider and there is an open, competitive market for the 23445

types of goods or services the supplier furnishes. 23446

(c) The types of goods or services are commonly obtained by 23447
other ICFs/IID from outside organizations and are not a basic 23448
element of resident care ordinarily furnished directly to 23449
residents by the ICFs/IID. 23450

(d) The charge to the provider is in line with the charge for 23451
the goods or services in the open market and no more than the 23452
charge made under comparable circumstances to others by the 23453
supplier. 23454

~~(SS)~~(VV) "Relative of owner" means an individual who is 23455
related to an owner of an ICF/IID by one of the following 23456
relationships: 23457

(1) Spouse; 23458

(2) Natural parent, child, or sibling; 23459

(3) Adopted parent, child, or sibling; 23460

(4) Stepparent, stepchild, stepbrother, or stepsister; 23461

(5) Father-in-law, mother-in-law, son-in-law, 23462
daughter-in-law, brother-in-law, or sister-in-law; 23463

(6) Grandparent or grandchild; 23464

(7) Foster caregiver, foster child, foster brother, or foster 23465
sister. 23466

~~(TT)~~(WW)(1) "Renovation" means the following: 23467

(a) An ICF/IID's betterment, improvement, or restoration to 23468
which both of the following apply: 23469

(i) It was started before July 1, 1993; 23470

(ii) It meets the definition of "renovation" established in 23471
rules that were adopted by the director of job and family services 23472
and in effect on December 22, 1992. 23473

(b) An ICF/IID's betterment, improvement, or restoration to which both of the following apply: 23474
23475

(i) It was started on or after July 1, 1993~~+~~. 23476

(ii) It better, improves, or restores the ICF/IID beyond its current functional capacity through a structural change that costs at least five hundred dollars per bed. 23477
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(2) A renovation started on or after July 1, 1993, may include both of the following: 23480
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(a) A betterment, improvement, restoration, or replacement of assets that are affixed to a building and have a useful life of at least five years; 23482
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(b) Costs that otherwise would be considered maintenance and repair expenses if they are an integral part of the structural change that makes up the renovation project. 23485
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(3) "Renovation" does not mean construction of additional space for beds that will be added to an ICF/IID's licensed capacity or medicaid-certified capacity. 23488
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~~(UU)~~(XX) "Residential facility" has the same meaning as in section 5123.19 of the Revised Code. 23491
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~~(VV)~~(YY) "Sponsor" means an adult relative, friend, or guardian of an ICF/IID resident who has an interest or responsibility in the resident's welfare. 23493
23494
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~~(WW)~~(ZZ) "Title XIX" means Title XIX of the "Social Security Act," 42 U.S.C. 1396, et seq. 23496
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~~(XX)~~(AAA) "Title XVIII" means Title XVIII of the "Social Security Act," 42 U.S.C. 1395, et seq. 23498
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~~(YY)~~(BBB) "Voluntary termination" means an operator's voluntary election to terminate the participation of an ICF/IID in the medicaid program but to continue to provide service of the type provided by a residential facility as defined in section 23500
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5123.19 of the Revised Code. 23504

Sec. 5124.101. (A) The provider of an ICF/IID in peer group 1 23505
or peer group 2 that becomes a downsized ICF/IID or partially 23506
converted ICF/IID on or after July 1, 2013, or becomes a new 23507
ICF/IID on or after that date, may file with the department of 23508
developmental disabilities a cost report covering the period 23509
specified in division (B) of this section if the following applies 23510
to the ICF/IID: 23511

(1) In the case of an ICF/IID that becomes a downsized 23512
ICF/IID or partially converted ICF/IID, the ICF/IID has either of 23513
the following on the day it becomes a downsized ICF/IID or 23514
partially converted ICF/IID: 23515

(a) A medicaid-certified capacity that is at least ten per 23516
cent less than its medicaid-certified capacity on the day 23517
immediately preceding the day it becomes a downsized ICF/IID or 23518
partially converted ICF/IID; 23519

(b) At least five fewer beds certified as ICF/IID beds than 23520
it has on the day immediately preceding the day it becomes a 23521
downsized ICF/IID or partially converted ICF/IID. 23522

(2) In the case of a new ICF/IID, the ICF/IID's beds are from 23523
a downsized ICF/IID and the downsized ICF/IID has either of the 23524
following on the day it becomes a downsized ICF/IID: 23525

(a) A medicaid-certified capacity that is at least ten per 23526
cent less than its medicaid-certified capacity on the day 23527
immediately preceding the day it becomes a downsized ICF/IID; 23528

(b) At least five fewer beds certified as ICF/IID beds than 23529
it has on the day immediately preceding the day it becomes a 23530
downsized ICF/IID. 23531

(B) A cost report filed under division (A) of this section 23532
shall cover the period that begins and ends as follows: 23533

(1) In the case of an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID:	23534 23535
(a) The period begins with the day that the ICF/IID becomes a downsized ICF/IID or partially converted ICF/IID.	23536 23537
(b) The period ends on the last day of the last month of the first three full months of operation as a downsized ICF/IID or partially converted ICF/IID.	23538 23539 23540
(2) In the case of a new ICF/IID:	23541
(a) The period begins with the day that the provider agreement for the ICF/IID takes effect.	23542 23543
(b) The period ends on the last day of the last month of the first three full months that the provider agreement is in effect.	23544 23545
(C) The department shall refuse to accept a cost report filed under division (A) of this section if either of the following apply:	23546 23547 23548
(1) Except as provided in division (E) of section 5124.10 of the Revised Code, the provider fails to file the cost report with the department not later than ninety days after the last day of the period the cost report covers;	23549 23550 23551 23552
(2) The cost report is incomplete or inadequate.	23553
(D) If the department accepts a cost report filed under division (A) of this section, the department shall use that cost report, rather than the cost report that otherwise would be used pursuant to section 5124.17, 5124.19, 5124.21, or 5124.23 of the Revised Code, to determine the ICF/IID's medicaid payment rate in accordance with this chapter for ICF/IID services the ICF/IID provides during the period that begins and ends as follows:	23554 23555 23556 23557 23558 23559 23560
(1) The period begins on the following:	23561
(a) In the case of an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID:	23562 23563

(i) The day that the ICF/IID becomes a downsized ICF/IID or partially converted ICF/IID if that day is the first day of a month;

(ii) The first day of the month immediately following the month that the ICF/IID becomes a downsized ICF/IID or partially converted ICF/IID if division (D)(1)(a)(i) of this section does not apply.

(b) In the case of a new ICF/IID, the day that the ICF/IID's provider agreement takes effect.

(2) The period ends on the last day of the fiscal year that immediately precedes the fiscal year for which the ICF/IID begins to be paid a rate determined using a cost report that division (E) of this section requires be filed in accordance with division (A) of section 5124.10 of the Revised Code.

(E)(1) If the department accepts a cost report filed under division (A) of this section for an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID on or before the first day of October of a calendar year, or for a new ICF/IID that has a provider agreement that takes effect on or before that date, the provider also shall file a cost report for the ICF/IID in accordance with division (A) of section 5124.10 of the Revised Code for the portion of that calendar year that the ICF/IID operated as a downsized ICF/IID or partially converted ICF/IID or, in the case of a new ICF/IID, for the portion that the provider agreement was in effect.

(2) If the department accepts a cost report filed under division (A) of this section for an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID after the first day of October of a calendar year, or for a new ICF/IID that has a provider agreement that takes effect on or after that date, the provider is not required to file a cost report for that calendar

year in accordance with division (A) of section 5124.10 of the Revised Code. The provider shall file a cost report for the ICF/IID in accordance with division (A) of section 5124.10 of the Revised Code for the immediately following calendar year.

Sec. 5124.106. ~~(A)~~ If an ICF/IID provider required by section 5124.10 of the Revised Code to file a cost report for the ICF/IID fails to file the cost report by the date it is due or the date, if any, to which the due date is extended pursuant to division (E) of that section, or files an incomplete or inadequate report for the ICF/IID under that section, the department of developmental disabilities shall ~~provide immediate~~ do both of the following:

(1) Give written notice to the provider that the provider agreement for the ICF/IID will be terminated in thirty days unless the provider submits a complete and adequate cost report for the ICF/IID within thirty days. ~~During the thirty day termination period or any additional time allowed for an appeal of the proposed termination of a provider agreement, the provider shall be paid the ICF/IID's then current per medicaid day payment rate, minus the dollar amount by which ICFs/IID's per medicaid day payment rates are reduced during fiscal year 2013 in accordance with division (A)(2) of section 5111.26 of the Revised Code (renumbered as section 5165.10 of the Revised Code by H.B. 59 of the 130th general assembly) as that section existed on the day immediately preceding the effective date of this section. On the first day of each July, the department shall adjust the amount of the reduction in effect during the previous twelve months to reflect the rate of inflation during the preceding twelve months;~~

(2) Reduce the per medicaid day payment rate for the provider's ICF/IID by the amount specified in division (B) of this section for the period of time specified in division (C) of this

section. 23626

(B) For the purpose of division (A)(2) of this section, an ICF/IID's per medicaid day payment rate shall be reduced by the following amount: 23627
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(1) In the case of a reduction made during the period beginning on the effective date of this amendment and ending on the first day of the first fiscal year beginning after the effective date of this amendment, two dollars; 23630
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(2) In the case of a reduction made during the first fiscal year beginning after the effective date of this amendment and each fiscal year thereafter, the amount of the reduction in effect on the last day of the fiscal year immediately preceding the fiscal year in which the reduction is made adjusted by the rate of inflation during that immediately preceding fiscal year, as shown in the consumer price index for all items for all urban consumers for the midwest region, published by the United States bureau of labor statistics. 23634
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(C) The period of time that an ICF/IID's per medicaid day payment rate is reduced under this section shall begin and end as follows: 23643
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(1) The period shall begin on the following date: 23646

(a) The day immediately following the date the cost report is due or to which the due date is extended, as applicable, if the reduction is made because the provider fails to file a cost report by that date; 23647
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(b) The day the department gives the provider written notice under division (A)(1) of this section of the proposed provider agreement termination, if the reduction is made because the provider files an incomplete or inadequate cost report. 23651
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(2) The period shall end on the last day of the thirty-day 23655

period specified in the notice given under division (A)(1) of this 23656
section or any additional period allowed for an appeal of the 23657
proposed provider agreement termination. 23658

Sec. 5124.15. (A) Except as otherwise provided by sections 23659
5124.151 to 5124.154 of the Revised Code and ~~division~~ divisions 23660
(B) and (C) of this section, the total per medicaid day payment 23661
rate that the department of developmental disabilities shall pay 23662
to an ICF/IID provider for ICF/IID services the provider's ICF/IID 23663
provides during a fiscal year shall equal the sum of all of the 23664
following: 23665

(1) The per medicaid day payment rate for capital costs 23666
determined for the ICF/IID under section 5124.17 of the Revised 23667
Code; 23668

(2) The per medicaid day payment rate for direct care costs 23669
determined for the ICF/IID under section 5124.19 of the Revised 23670
Code; 23671

(3) The per medicaid day payment rate for indirect care costs 23672
determined for the ICF/IID under section 5124.21 of the Revised 23673
Code; 23674

(4) The per medicaid day payment rate for other protected 23675
costs determined for the ICF/IID under section 5124.23 of the 23676
Revised Code. 23677

(B) The total per medicaid day payment rate for an ICF/IID in 23678
peer group 3 shall not exceed the average total per medicaid day 23679
payment rate in effect on July 1, 2013, for developmental centers. 23680

(C) The department shall adjust the total rate otherwise 23681
determined under division (A) of this section as directed by the 23682
general assembly through the enactment of law governing medicaid 23683
payments to ICF/IID providers. 23684

~~(C)~~(D) In addition to paying an ICF/IID provider the total 23685

rate determined for the provider's ICF/IID under divisions (A) 23686
and (B), and (C) of this section for a fiscal year, the 23687
department, in accordance with section 5124.25 of the Revised 23688
Code, may pay the provider a rate add-on for pediatric 23689
ventilator-dependent outlier ICF/IID services if the rate add-on 23690
is to be paid under that section and the department approves the 23691
provider's application for the rate add-on. The rate add-on is not 23692
to be part of the ICF/IID's total rate. 23693

Sec. 5124.151. (A) The total per medicaid day payment rate 23694
determined under section 5124.15 of the Revised Code shall not be 23695
the initial rate for ICF/IID services provided by a new ICF/IID. 23696
Instead, the initial total per medicaid day payment rate for 23697
ICF/IID services provided by a new ICF/IID shall be determined in 23698
accordance with this section. 23699

(B) The initial total medicaid day payment rate for ICF/IID 23700
services provided by a new ICF/IID in peer group 1 or peer group 2 23701
shall be determined in the following manner: 23702

(1) The initial rate for capital costs shall be determined 23703
under section 5124.17 of the Revised Code using the greater of the 23704
new ICF/IID's actual inpatient days or an imputed occupancy rate 23705
of eighty per cent. 23706

(2) The initial rate for direct care costs shall be 23707
determined as follows: 23708

(a) If there are no cost or resident assessment data for the 23709
new ICF/IID as necessary to determine a rate under section 5124.19 23710
of the Revised Code, the rate shall be determined as follows: 23711

(i) Determine the median cost per case-mix unit under 23712
division (B) of section 5124.19 of the Revised Code for the new 23713
ICF/IID's peer group for the calendar year immediately preceding 23714
the fiscal year in which the rate will be paid; 23715

(ii) Multiply the amount determined under division 23716
~~(A)~~(B)(2)(a)(i) of this section by the median annual average 23717
case-mix score for the new ICF/IID's peer group for that period; 23718

(iii) Adjust the product determined under division 23719
~~(A)~~(B)(2)(a)(ii) of this section by the rate of inflation 23720
estimated under division (D) of section 5124.19 of the Revised 23721
Code. 23722

(b) If the new ICF/IID is a replacement ICF/IID and the 23723
ICF/IID or ICFs/IID that are being replaced are in operation 23724
immediately before the new ICF/IID opens, the rate shall be the 23725
same as the rate for the replaced ICF/IID or ICFs/IID, 23726
proportionate to the number of ICF/IID beds in each replaced 23727
ICF/IID. 23728

(c) If the new ICF/IID is a replacement ICF/IID and the 23729
ICF/IID or ICFs/IID that are being replaced are not in operation 23730
immediately before the new ICF/IID opens, the rate shall be 23731
determined under division ~~(A)~~(B)(2)(a) of this section. 23732

(3) The initial rate for indirect care costs shall be the 23733
maximum rate for the new ICF/IID's peer group as determined for 23734
the fiscal year in accordance with division (C) of section 5124.21 23735
of the Revised Code. 23736

(4) The initial rate for other protected costs shall be one 23737
hundred fifteen per cent of the median rate for ICFs/IID 23738
determined for the fiscal year under section 5124.23 of the 23739
Revised Code. 23740

~~(B)~~(C) The initial total medicaid day payment rate for 23741
ICF/IID services provided by a new ICF/IID in peer group 3 shall 23742
be determined in the following manner: 23743

(1) The initial rate for capital costs shall be \$29.61. 23744

(2) The initial rate for direct care costs shall be \$264.89. 23745

(3) The initial rate for indirect care costs shall be \$59.85. 23746

(4) The initial rate for other protected costs shall be 23747
\$25.99. 23748

(D)(1) Except as provided in division ~~(B)~~(D)(2) of this 23749
section, the department shall adjust a new ICF/IID's initial total 23750
per medicaid day payment rate determined under this section 23751
effective the first day of July, to reflect new rate 23752
determinations for all ICFs/IID under this chapter. 23753

(2) If the department accepts, under division (A) of section 23754
5124.101 of the Revised Code, a cost report filed by the provider 23755
of a new ICF/IID, the department shall adjust the ICF/IID's 23756
initial total per medicaid day payment rate in accordance with 23757
divisions (D) and (E) of that section rather than division 23758
~~(B)~~(D)(1) of this section. 23759

Sec. 5124.17. (A) For each fiscal year, the department of 23760
developmental disabilities shall determine each ICF/IID's per 23761
medicaid day payment rate for reasonable capital costs. Except as 23762
otherwise provided in this chapter, an ICF/IID's rate shall be 23763
determined prospectively and based on the ICF/IID's capital costs 23764
for the calendar year preceding the fiscal year in which the rate 23765
will be paid. Subject to section 5124.28 of the Revised Code, an 23766
ICF/IID's rate shall equal the sum of the following: 23767

(1) The ICF/IID's desk-reviewed, actual, allowable, per diem 23768
costs of ownership for the immediately preceding cost reporting 23769
period, limited as provided in divisions (B) ~~and~~, (C), and (D) of 23770
this section; 23771

(2) The ICF/IID's per medicaid day payment for the ICF/IID's 23772
per diem capitalized costs of nonextensive renovations determined 23773
under division ~~(D)~~(E)(1) of this section if the ICF/IID qualifies 23774
for a payment for such costs as specified in division ~~(D)~~(E)(2) of 23775

this section;	23776
(3) The ICF/IID's per medicaid day efficiency incentive determined under division (E) (F) of this section;	23777 23778
(4) Until fiscal year 2015, the ICF/IID's return on net equity determined under division (F) of this section.	23779 23780
(B) The costs of ownership per diem payment rates for ICFs/IID with more than eight beds in peer group 1 shall not exceed the following limits <u>as adjusted for inflation in accordance with division (G) of this section:</u>	23781 23782 23783 23784
(1) For ICFs/IID with dates of licensure prior to January 1, 1958, not exceeding two dollars and fifty cents;	23785 23786
(2) For ICFs/IID with dates of licensure after December 31, 1957, but prior to January 1, 1968, not exceeding:	23787 23788
(a) Three dollars and fifty cents if the cost of construction was three thousand five hundred dollars or more per bed;	23789 23790
(b) Two dollars and fifty cents if the cost of construction was less than three thousand five hundred dollars per bed.	23791 23792
(3) For ICFs/IID with dates of licensure after December 31, 1967, but prior to January 1, 1976, not exceeding:	23793 23794
(a) Four dollars and fifty cents if the cost of construction was five thousand one hundred fifty dollars or more per bed;	23795 23796
(b) Three dollars and fifty cents if the cost of construction was less than five thousand one hundred fifty dollars per bed, but exceeds three thousand five hundred dollars per bed;	23797 23798 23799
(c) Two dollars and fifty cents if the cost of construction was three thousand five hundred dollars or less per bed.	23800 23801
(4) For ICFs/IID with dates of licensure after December 31, 1975, but prior to January 1, 1979, not exceeding:	23802 23803
(a) Five dollars and fifty cents if the cost of construction	23804

was six thousand eight hundred dollars or more per bed;	23805
(b) Four dollars and fifty cents if the cost of construction	23806
was less than six thousand eight hundred dollars per bed but	23807
exceeds five thousand one hundred fifty dollars per bed;	23808
(c) Three dollars and fifty cents if the cost of construction	23809
was five thousand one hundred fifty dollars or less per bed, but	23810
exceeds three thousand five hundred dollars per bed;	23811
(d) Two dollars and fifty cents if the cost of construction	23812
was three thousand five hundred dollars or less per bed.	23813
(5) For ICFs/IID with dates of licensure after December 31,	23814
1978, but prior to January 1, 1980, not exceeding:	23815
(a) Six dollars if the cost of construction was seven	23816
thousand six hundred twenty-five dollars or more per bed;	23817
(b) Five dollars and fifty cents if the cost of construction	23818
was less than seven thousand six hundred twenty-five dollars per	23819
bed but exceeds six thousand eight hundred dollars per bed;	23820
(c) Four dollars and fifty cents if the cost of construction	23821
was six thousand eight hundred dollars or less per bed but exceeds	23822
five thousand one hundred fifty dollars per bed;	23823
(d) Three dollars and fifty cents if the cost of construction	23824
was five thousand one hundred fifty dollars or less but exceeds	23825
three thousand five hundred dollars per bed;	23826
(e) Two dollars and fifty cents if the cost of construction	23827
was three thousand five hundred dollars or less per bed.	23828
(6) For ICFs/IID with dates of licensure after December 31,	23829
1979, but prior to January 1, 1981, not exceeding:	23830
(a) Twelve dollars if the beds were originally licensed as	23831
residential facility beds by the department of developmental	23832
disabilities;	23833

(b) Six dollars if the beds were originally licensed as nursing home beds by the department of health.	23834 23835
(7) For ICFs/IID with dates of licensure after December 31, 1980, but prior to January 1, 1982, not exceeding:	23836 23837
(a) Twelve dollars if the beds were originally licensed as residential facility beds by the department of developmental disabilities;	23838 23839 23840
(b) Six dollars and forty-five cents if the beds were originally licensed as nursing home beds by the department of health.	23841 23842 23843
(8) For ICFs/IID with dates of licensure after December 31, 1981, but prior to January 1, 1983, not exceeding:	23844 23845
(a) Twelve dollars if the beds were originally licensed as residential facility beds by the department of developmental disabilities;	23846 23847 23848
(b) Six dollars and seventy-nine cents if the beds were originally licensed as nursing home beds by the department of health.	23849 23850 23851
(9) For ICFs/IID with dates of licensure after December 31, 1982, but prior to January 1, 1984, not exceeding:	23852 23853
(a) Twelve dollars if the beds were originally licensed as residential facility beds by the department of developmental disabilities;	23854 23855 23856
(b) Seven dollars and nine cents if the beds were originally licensed as nursing home beds by the department of health.	23857 23858
(10) For ICFs/IID with dates of licensure after December 31, 1983, but prior to January 1, 1985, not exceeding:	23859 23860
(a) Twelve dollars and twenty-four cents if the beds were originally licensed as residential facility beds by the department of developmental disabilities;	23861 23862 23863

(b) Seven dollars and twenty-three cents if the beds were originally licensed as nursing home beds by the department of health.	23864 23865 23866
(11) For ICFs/IID with dates of licensure after December 31, 1984, but prior to January 1, 1986, not exceeding:	23867 23868
(a) Twelve dollars and fifty-three cents if the beds were originally licensed as residential facility beds by the department of developmental disabilities;	23869 23870 23871
(b) Seven dollars and forty cents if the beds were originally licensed as nursing home beds by the department of health.	23872 23873
(12) For ICFs/IID with dates of licensure after December 31, 1985, but prior to January 1, 1987, not exceeding:	23874 23875
(a) Twelve dollars and seventy cents if the beds were originally licensed as residential facility beds by the department of developmental disabilities;	23876 23877 23878
(b) Seven dollars and fifty cents if the beds were originally licensed as nursing home beds by the department of health.	23879 23880
(13) For ICFs/IID with dates of licensure after December 31, 1986, but prior to January 1, 1988, not exceeding:	23881 23882
(a) Twelve dollars and ninety-nine cents if the beds were originally licensed as residential facility beds by the department of developmental disabilities;	23883 23884 23885
(b) Seven dollars and sixty-seven cents if the beds were originally licensed as nursing home beds by the department of health.	23886 23887 23888
(14) For ICFs/IID with dates of licensure after December 31, 1987, but prior to January 1, 1989, not exceeding thirteen dollars and twenty-six cents;	23889 23890 23891
(15) For ICFs/IID with dates of licensure after December 31, 1988, but prior to January 1, 1990, not exceeding thirteen dollars	23892 23893

and forty-six cents; 23894

(16) For ICFs/IID with dates of licensure after December 31, 23895
1989, but prior to January 1, 1991, not exceeding thirteen dollars 23896
and sixty cents; 23897

(17) For ICFs/IID with dates of licensure after December 31, 23898
1990, but prior to January 1, 1992, not exceeding thirteen dollars 23899
and forty-nine cents; 23900

(18) For ICFs/IID with dates of licensure after December 31, 23901
1991, but prior to January 1, 1993, not exceeding thirteen dollars 23902
and sixty-seven cents; 23903

(19) For ICFs/IID with dates of licensure after December 31, 23904
1992, not exceeding fourteen dollars and twenty-eight cents. 23905

(C)(1) The costs of ownership per diem payment rate for an 23906
ICF/IID ~~with eight or fewer beds~~ in peer group 2 shall not exceed 23907
the following limits: 23908

(a) Eighteen dollars and thirty cents as adjusted for 23909
inflation pursuant to division (C)(2) of this section if any of 23910
the following apply to the ICF/IID: 23911

(i) The ICF/IID has a date of licensure, or was granted 23912
project authorization by the department of developmental 23913
disabilities, before July 1, 1993. 23914

(ii) The ICF/IID has a date of licensure, or was granted 23915
project authorization by the department, on or after July 1, 1993, 23916
and the provider demonstrates that the provider made substantial 23917
commitments of funds for the ICF/IID before that date. 23918

(iii) The ICF/IID has a date of licensure, or was granted 23919
project authorization by the department, on or after July 1, 1993, 23920
the provider made no substantial commitment of funds for the 23921
ICF/IID before that date, and the department of job and family 23922
services or department of developmental disabilities gave prior 23923

approval for the ICF/IID's construction. 23924

(b) If division (C)(1)(a) of this section does not apply to 23925
the ICF/IID, the amount that would apply to the ICF/IID under 23926
division (B) of this section if it ~~had more than eight beds were~~ 23927
in peer group 1. 23928

(2) The eighteen-dollar and thirty-cent payment rate 23929
specified in division (C)(1)(a) of this section shall be increased 23930
as follows: 23931

(a) For the period beginning June 30, 1990, and ending July 23932
1, 1993, by the change in the "Dodge building cost indexes, 23933
northeastern and north central states," published by Marshall and 23934
Swift; 23935

(b) For each fiscal year thereafter, in accordance with 23936
division (G) of this section. 23937

(D) The costs of ownership per diem payment rate for an 23938
ICF/IID in peer group 3 shall not exceed the amount that is used 23939
for the purpose of division (C)(1)(a) of this section and is in 23940
effect on July 1, 2014. That rate shall be increased each fiscal 23941
year that begins after the effective date of this section in 23942
accordance with division (G) of this section. 23943

(E)(1) Beginning January 1, 1981, regardless of the original 23944
date of licensure, the payment rate for the per diem capitalized 23945
costs of nonextensive renovations made after January 1, 1981, to a 23946
qualifying ICF/IID, shall not exceed six dollars per medicaid day 23947
using 1980 as the base year and adjusting the amount annually 23948
until June 30, 1993, for fluctuations in construction costs 23949
calculated by the department using the "Dodge building cost 23950
indexes, northeastern and north central states," published by 23951
Marshall and Swift. The payment rate shall be further adjusted in 23952
accordance with division (G) of this section. The payment provided 23953
for in this division is the only payment that shall be made for an 23954

ICF/IID's capitalized costs of nonextensive renovations. Costs of 23955
nonextensive renovations shall not be included in costs of 23956
ownership and shall not affect the date of licensure for purposes 23957
of division (B) or (C) of this section. This division applies to 23958
nonextensive renovations regardless of whether they are made by an 23959
owner or a lessee. If the tenancy of a lessee that has made 23960
nonextensive renovations ends before the depreciation expense for 23961
the costs of nonextensive renovations has been fully reported, the 23962
former lessee shall not report the undepreciated balance as an 23963
expense. 23964

(2) An ICF/IID qualifies for a payment for costs of 23965
nonextensive renovations if all of the following apply: 23966

(a) Either of the following applies: 23967

(i) The ICF/IID ~~has more than eight beds~~ is in peer group 1 23968
and either the department approved the nonextensive renovation 23969
before July 1, 2013, or the nonextensive renovation is part of a 23970
project that results in the ICF/IID becoming a downsized ICF/IID 23971
or partially converted ICF/IID. 23972

(ii) The ICF/IID ~~has eight or fewer beds~~ is in peer group 2 23973
or peer group 3. 23974

(b) At least five years have elapsed since the ICF/IID's date 23975
of licensure or date of an extensive renovation of the portion of 23976
the ICF/IID that is proposed to be nonextensively renovated, 23977
unless the nonextensive renovation is necessary to meet the 23978
requirements of federal, state, or local statutes, ordinances, 23979
rules, or policies. 23980

(c) The provider of the ICF/IID does both of the following: 23981

(i) Submits to the department a plan that describes in detail 23982
the changes in capital assets to be accomplished by means of the 23983
nonextensive renovation and the timetable for completing the 23984
project, which shall be not more than eighteen months after the 23985

nonextensive renovation begins; 23986

(ii) Obtains prior approval from the department for the 23987
nonextensive renovation. 23988

(3) The director of developmental disabilities shall adopt 23989
rules under section 5124.03 of the Revised Code that specify 23990
criteria and procedures for prior approval of nonextensive 23991
renovation and extensive renovation projects. No provider shall 23992
separate a project with the intent to evade the characterization 23993
of the project as a nonextensive renovation or as an extensive 23994
renovation. No provider shall increase the scope of a project 23995
after it is approved by the department unless the increase in 23996
scope is approved by the department. 23997

~~(E)~~(F)(1) Subject to division ~~(E)~~(F)(2) of this section, an 23998
ICF/IID's per medicaid day efficiency incentive payment rate shall 23999
equal the following percentage of the difference between the 24000
ICF/IID's desk-reviewed, actual, allowable per diem costs of 24001
ownership and the applicable limit on costs of ownership payment 24002
rates established by division (B) of this section: 24003

(a) In the case of an ICF/IID ~~with more than eight beds in~~ peer group 1, the following percentage: 24004
24005

(i) ~~Fifty per cent for fiscal year 2014;~~ 24006

~~(ii)~~ Fifty per cent ~~for fiscal year 2015 and each fiscal year~~ 24007
~~thereafter~~ if the provider of the ICF/IID obtains the department's 24008
approval to become a downsized ICF/IID and the approval is 24009
conditioned on the downsizing being completed not later than July 24010
1, 2018; 24011

~~(iii)~~(ii) Twenty-five per cent if division (F)(1)(a)(i) of 24012
this section does not apply; 24013

(b) In the case of an ICF/IID ~~with eight or fewer beds in~~ peer group 2 or peer group 3, fifty per cent. 24014
24015

(2) The efficiency incentive payment rate for an ICF/IID ~~with~~ 24016
~~eight or fewer beds in peer group 2 or peer group 3~~ shall not 24017
exceed three dollars per medicaid day, adjusted annually in 24018
accordance with division (G) of this section. For the purpose of 24019
determining an ICF/IID's efficiency incentive payment rate, both 24020
of the following apply: 24021

(a) Depreciation for costs paid or reimbursed by any 24022
government agency shall be considered as a cost of ownership; 24023

(b) The applicable limit under division (B) of this section 24024
shall apply ~~both to all ICFs/IID with more than eight beds and~~ 24025
~~ICFs/IID with eight or fewer beds regardless of which peer group~~ 24026
they are in. 24027

~~(F) An ICF/IID's return on net equity shall be determined at~~ 24028
~~the rate of one and one half times the average of interest rates~~ 24029
~~on special issues of public debt obligations issued to the federal~~ 24030
~~hospital insurance trust fund for the cost reporting period. In~~ 24031
~~determining an ICF/IID's rate for return on net equity, the~~ 24032
~~department shall use the greater of the ICF/IID's inpatient days~~ 24033
~~during the applicable cost reporting period or the number of~~ 24034
~~inpatient days the ICF/IID would have had during that period if~~ 24035
~~the ICF/IID's occupancy rate had been ninety five per cent. No~~ 24036
~~ICF/IID's rate for return on net equity shall exceed one dollar~~ 24037
~~per medicaid day. No ICF/IID's rate for capital costs shall~~ 24038
~~include a rate for return on net equity beginning July 1, 2014.~~ 24039

(G) The amounts specified in divisions (B), (C), (D), ~~and~~ 24040
~~(E), and (F)~~ of this section shall be adjusted beginning July 1, 24041
1993, on the first day of each fiscal year for the estimated 24042
inflation rate for the twelve-month period beginning on the first 24043
day of July of the calendar year immediately preceding the 24044
calendar year that immediately precedes the fiscal year for which 24045
rate will be paid and ending on the thirtieth day of the following 24046
June, using the consumer price index for shelter costs for all 24047

urban consumers for the midwest region, as published by the United States bureau of labor statistics. 24048
24049

(H) Notwithstanding divisions (C) and ~~(D)~~(E) of this section, 24050
the total payment rate for costs of ownership, capitalized costs 24051
of nonextensive renovations, and the efficiency incentive for an 24052
ICF/IID ~~with eight or fewer beds in peer group 2~~ shall not exceed 24053
the sum of the limitations specified in divisions (C) and ~~(D)~~(E) 24054
of this section. Notwithstanding divisions (D) and (E) of this 24055
section, the total payment rate for costs of ownership, 24056
capitalized costs of nonextensive renovations, and the efficiency 24057
incentive for an ICF/IID in peer group 3 shall not exceed the sum 24058
of the limitations specified in divisions (D) and (E) of this 24059
section. 24060

~~(H)~~ 24061

(I)(1) For the purpose of determining ICFs/IID's medicaid 24062
payment rates for capital costs: 24063

(a) Buildings shall be depreciated using the straight line 24064
method over forty years or over a different period approved by the 24065
department. 24066

(b) Components and equipment shall be depreciated using the 24067
straight line method over a period designated by the director of 24068
developmental disabilities in rules adopted under section 5124.03 24069
of the Revised Code, consistent with the guidelines of the 24070
American hospital association, or over a different period approved 24071
by the department. 24072

(2) Any rules authorized by division (I)(1) of this section 24073
that specify useful lives of buildings, components, or equipment 24074
apply only to assets acquired on or after July 1, 1993. 24075
Depreciation for costs paid or reimbursed by any government agency 24076
shall not be included in costs of ownership or costs of 24077
nonextensive renovations unless that part of the payment under 24078

this chapter is used to reimburse the government agency. 24079

(J)(1) Except as provided in division (J)(2) of this section, 24080
if a provider leases or transfers an interest in an ICF/IID to 24081
another provider who is a related party, the related party's 24082
allowable costs of ownership shall include the lesser of the 24083
following: 24084

(a) The annual lease expense or actual cost of ownership, 24085
whichever is applicable; 24086

(b) The reasonable cost to the lessor or provider making the 24087
transfer. 24088

(2) If a provider leases or transfers an interest in an 24089
ICF/IID to another provider who is a related party, regardless of 24090
the date of the lease or transfer, the related party's allowable 24091
cost of ownership shall include the annual lease expense or actual 24092
cost of ownership, whichever is applicable, subject to the 24093
limitations specified in divisions (B) to (I) of this section, if 24094
all of the following conditions are met: 24095

(a) The related party is a relative of owner; 24096

(b) In the case of a lease, if the lessor retains any 24097
ownership interest, it is, except as provided in division 24098
(J)(2)(d)(ii) of this section, in only the real property and any 24099
improvements on the real property; 24100

(c) In the case of a transfer, the provider making the 24101
transfer retains, except as provided in division (J)(2)(d)(iv) of 24102
this section, no ownership interest in the ICF/IID; 24103

(d) The department determines that the lease or transfer is 24104
an arm's length transaction pursuant to rules adopted under 24105
section 5124.03 of the Revised Code. The rules shall provide that 24106
a lease or transfer is an arm's length transaction if all of the 24107
following, as applicable, apply: 24108

(i) In the case of a lease, once the lease goes into effect, 24109
the lessor has no direct or indirect interest in the lessee or, 24110
except as provided in division (J)(2)(b) of this section, the 24111
ICF/IID itself, including interest as an owner, officer, director, 24112
employee, independent contractor, or consultant, but excluding 24113
interest as a lessor. 24114

(ii) In the case of a lease, the lessor does not reacquire an 24115
interest in the ICF/IID except through the exercise of a lessor's 24116
rights in the event of a default. If the lessor reacquires an 24117
interest in the ICF/IID in this manner, the department shall treat 24118
the ICF/IID as if the lease never occurred when the department 24119
determines its payment rate for capital costs. 24120

(iii) In the case of a transfer, once the transfer goes into 24121
effect, the provider that made the transfer has no direct or 24122
indirect interest in the provider that acquires the ICF/IID or the 24123
ICF/IID itself, including interest as an owner, officer, director, 24124
employee, independent contractor, or consultant, but excluding 24125
interest as a creditor. 24126

(iv) In the case of a transfer, the provider that made the 24127
transfer does not reacquire an interest in the ICF/IID except 24128
through the exercise of a creditor's rights in the event of a 24129
default. If the provider reacquires an interest in the ICF/IID in 24130
this manner, the department shall treat the ICF/IID as if the 24131
transfer never occurred when the department determines its payment 24132
rate for capital costs. 24133

(v) The lease or transfer satisfies any other criteria 24134
specified in the rules. 24135

(e) Except in the case of hardship caused by a catastrophic 24136
event, as determined by the department, or in the case of a lessor 24137
or provider making the transfer who is at least sixty-five years 24138
of age, not less than twenty years have elapsed since, for the 24139

same ICF/IID, allowable cost of ownership was determined most 24140
recently under this division. 24141

Sec. 5124.19. (A)(1) For each fiscal year, the department of 24142
developmental disabilities shall determine each ICF/IID's per 24143
medicaid day payment rate for direct care costs as follows: 24144

(a) Multiply the lesser of the following by the ICF/IID's 24145
annual average case-mix score determined or assigned under section 24146
5124.192 of the Revised Code for the calendar year immediately 24147
preceding the fiscal year for which the rate will be paid: 24148

(i) The ICF/IID's cost per case-mix unit for the calendar 24149
year immediately preceding the fiscal year for which the rate will 24150
be paid, as determined under division (B) of this section; 24151

(ii) The maximum cost per case-mix unit for the ICF/IID's 24152
peer group for the fiscal year for which the rate will be paid, as 24153
set under division (C) of this section; 24154

(b) Adjust the product determined under division (A)(1)(a) of 24155
this section by the inflation rate estimated under division (D)(1) 24156
of this section and modified under division (D)(2) of this 24157
section. 24158

(2) Except as otherwise directed by law enacted by the 24159
general assembly, the department shall determine each ICF/IID's 24160
rate for direct care costs prospectively. 24161

(B) To determine an ICF/IID's cost per case-mix unit for the 24162
calendar year immediately preceding the fiscal year in which the 24163
rate will be paid, the department shall divide the ICF/IID's 24164
desk-reviewed, actual, allowable, per diem direct care costs for 24165
that calendar year by its annual average case-mix score determined 24166
under section 5124.192 of the Revised Code for the same calendar 24167
year. 24168

(C)(1) For each fiscal year for which a rate will be paid, 24169

the department shall set the maximum cost per case-mix unit for 24170
each ~~peer group of ICFs/IID with more than eight beds in peer~~ 24171
group 1 at a percentage above the cost per case-mix unit 24172
determined under division (B) of this section for the ICF/IID in 24173
the peer group 1 that has the peer group's median number of 24174
medicaid days for the calendar year immediately preceding the 24175
fiscal year in which the rate will be paid. The percentage shall 24176
be no less than ~~the percentage above the cost per case mix unit~~ 24177
~~determined under division (B) of this section for the ICF/IID that~~ 24178
~~has the median number of medicaid days for calendar year 1992 for~~ 24179
~~all ICFs/IID with more than eight beds that would result in~~ 24180
~~payment of all desk reviewed, actual, allowable direct care costs~~ 24181
~~for eighty and one half per cent of the medicaid days for such~~ 24182
~~ICFs/IID for calendar year 1992~~ twenty-two and forty-six 24183
hundredths per cent. 24184

(2) For each fiscal year for which a rate will be paid, the 24185
department shall set the maximum cost per case-mix unit for ~~each~~ 24186
~~peer group of ICFs/IID with eight or fewer beds in peer group 2~~ at 24187
a percentage above the cost per case-mix unit determined under 24188
division (B) of this section for the ICF/IID in ~~the~~ peer group 2 24189
that has the peer group's median number of medicaid days for the 24190
calendar year immediately preceding the fiscal year in which the 24191
rate will be paid. The percentage shall be no less than ~~the~~ 24192
~~percentage above the cost per case mix unit determined under~~ 24193
~~division (B) of this section for the ICF/IID that has the median~~ 24194
~~number of medicaid days for calendar year 1992 for all ICFs/IID~~ 24195
~~with eight or fewer beds that would result in payment of all~~ 24196
~~desk reviewed, actual, allowable direct care costs for eighty and~~ 24197
~~one half per cent of the medicaid days for such ICFs/IID for~~ 24198
~~ealendar year 1992~~ eighteen and eight-tenths per cent. 24199

(3) For each fiscal year for which a rate will be paid, the 24200
department shall set the maximum cost per case-mix unit for 24201

ICFs/IID in peer group 3 at the ninety-fifth percentile of all 24202
ICFs/IID in peer group 3 for the calendar year immediately 24203
preceding the fiscal year in which the rate will be paid. 24204

(4) In determining the maximum cost per case-mix unit under 24205
divisions (C)(1) and (2) of this section for ~~each~~ peer group 1 and 24206
peer group 2, the department shall exclude from its determinations 24207
the cost per case-mix unit of any ICF/IID in ~~the~~ peer group 1 or 24208
peer group 2 that participated in the medicaid program under the 24209
same provider for less than twelve months during the calendar year 24210
immediately preceding the fiscal year in which the rate will be 24211
paid. 24212

~~(4)~~(5) The department shall not reset a peer group's maximum 24213
cost per case-mix unit for a fiscal year under division (C)(1) ~~or~~ 24214
(2), or (3) of this section based on additional information that 24215
it receives after it sets the maximum for that fiscal year. The 24216
department shall reset a peer group's maximum cost per case-mix 24217
unit for a fiscal year only if it made an error in setting the 24218
maximum for that fiscal year based on information available to the 24219
department at the time it originally sets the maximum for that 24220
fiscal year. 24221

(D)(1) The department shall estimate the rate of inflation 24222
for the eighteen-month period beginning on the first day of July 24223
of the calendar year preceding the fiscal year in which a rate 24224
will be paid and ending on the thirty-first day of December of the 24225
fiscal year in which the rate will be paid, using the following: 24226

(a) Subject to division (D)(1)(b) of this section, the 24227
employment cost index for total compensation, health care and 24228
social assistance component, published by the United States bureau 24229
of labor statistics; 24230

(b) If the United States bureau of labor statistics ceases to 24231
publish the index specified in division (D)(1)(a) of this section, 24232

the index that is subsequently published by the bureau and covers 24233
the staff costs of ICFs/IID. 24234

(2) If the estimated inflation rate for the eighteen-month 24235
period specified in division (D)(1) of this section is different 24236
from the actual inflation rate for that period, as measured using 24237
the same index, the difference shall be added to or subtracted 24238
from the inflation rate estimated under division (D)(1) of this 24239
section for the following fiscal year. 24240

~~(E) The director of developmental disabilities shall adopt 24241
rules under section 5124.03 of the Revised Code that specify peer 24242
groups of ICFs/IID with more than eight beds and peer groups of 24243
ICFs/IID with eight or fewer beds, based on findings of 24244
significant per diem direct care cost differences due to geography 24245
and bed size. The rules also may specify peer groups based on 24246
findings of significant per diem direct care cost differences due 24247
to other factors which may include case mix. 24248~~

Sec. 5124.21. (A) For each fiscal year, the department of 24249
developmental disabilities shall determine each ICF/IID's per 24250
medicaid day payment rate for indirect care costs. Except as 24251
otherwise provided in this chapter, an ICF/IID's rate shall be 24252
determined prospectively. Subject to section 5124.28 of the 24253
Revised Code, an ICF/IID's rate shall be the lesser of the 24254
individual rate determined under division (B) of this section and 24255
the maximum rate determined for the ICF/IID's peer group under 24256
division (C) of this section. 24257

(B) An ICF/IID's individual rate is the sum of the following: 24258

(1) The ICF/IID's desk-reviewed, actual, allowable, per diem 24259
indirect care costs from the calendar year immediately preceding 24260
the fiscal year in which the rate will be paid, adjusted for the 24261
inflation rate estimated under division ~~(D)~~(E)(1) of this section; 24262

(2) If the ICF/IID has more than eight beds <u>Subject to</u>	24263
<u>division (D) of this section</u>, an efficiency incentive in the	24264
following amount:	24265
(a) For fiscal year 2014, seven and one tenth per cent of the	24266
maximum rate established for the ICF/IID's peer group under	24267
division (C) of this section;	24268
(b) For fiscal year 2015, the following amount:	24269
(i) The amount calculated for fiscal year 2014 under division	24270
(B)(2)(a) of this section if the provider of the ICF/IID obtains	24271
the department's approval to become a downsized ICF/IID and the	24272
approval is conditioned on the downsizing being completed not	24273
later than July 1, 2018;	24274
(ii) One half of the amount calculated for fiscal year 2014	24275
under division (B)(2)(a) of this section if division (B)(2)(b)(i)	24276
of this section does not apply to the ICF/IID <u>equal to the</u>	24277
<u>difference between the amount of the per diem indirect care costs</u>	24278
<u>determined for the ICF/IID under division (B)(1) of this section</u>	24279
<u>for the fiscal year in which the rate will be paid and the maximum</u>	24280
<u>rate established for the ICF/IID's peer group under division (C)</u>	24281
<u>of this section for that fiscal year.</u>	24282
(c) For fiscal year 2016 and each fiscal year thereafter	24283
ending in an even numbered calendar year, the following	24284
percentages of the maximum rate established for the ICF/IID's peer	24285
group under division (C) of this section:	24286
(i) Seven and one tenth per cent if the provider of the	24287
ICF/IID obtains the department's approval to become a downsized	24288
ICF/IID and the approval is conditioned on the downsizing being	24289
completed not later than July 1, 2018;	24290
(ii) Three and fifty five hundredths per cent if division	24291
(B)(2)(c)(i) of this section does not apply to the ICF/IID.	24292

~~(d) For fiscal year 2017 and each fiscal year thereafter ending in an odd numbered calendar year, the amount calculated for the immediately preceding fiscal year under division (B)(2)(c) of this section.~~ 24293
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~~(3) If the ICF/IID has eight or fewer beds, an efficiency incentive in the following amount:~~ 24297
24298

~~(a) For each fiscal year ending in an even numbered calendar year, seven per cent of the maximum rate established for the ICF/IID's peer group under division (C) of this section;~~ 24299
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24301

~~(b) For each fiscal year ending in an odd numbered calendar year, the amount calculated for the immediately preceding fiscal year under division (B)(3)(a) of this section.~~ 24302
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(C)(1) The maximum rate for indirect care costs for each ~~peer group of ICFs/IID with more than eight beds~~ ICF/IID in peer group 1 shall be determined as follows: 24305
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24307

(a) For each fiscal year ending in an even-numbered calendar year, the maximum rate for ~~each such~~ ICFs/IID in peer group 1 shall be the rate that is no less than twelve and four-tenths per cent above the median desk-reviewed, actual, allowable, per diem indirect care cost for all ICFs/IID in ~~the~~ peer group 1 (excluding ICFs/IID in ~~the~~ peer group 1 whose indirect care costs for that period are more than three standard deviations from the mean desk-reviewed, actual, allowable, per diem indirect care cost for all ICFs/IID ~~with more than eight beds in peer group 1~~) for the calendar year immediately preceding the fiscal year in which the rate will be paid, adjusted by the inflation rate estimated under division ~~(D)~~(E)(1) of this section. 24308
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(b) For each fiscal year ending in an odd-numbered calendar year, the maximum rate for ~~each such~~ ICFs/IID in peer group 1 is the ~~peer group's~~ maximum rate for ICFs/IID in peer group 1 for the previous fiscal year, adjusted for the inflation rate estimated 24320
24321
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under division ~~(D)~~(E)(2) of this section. 24324

(2) The maximum rate for indirect care costs for ~~each peer~~ 24325
~~group of ICFs/IID with eight or fewer beds in peer group 2 or peer~~ 24326
~~group 3~~ shall be determined as follows: 24327

(a) For each fiscal year ending in an even-numbered calendar 24328
year, the maximum rate for ~~each such~~ ICFs/IID in peer group 2 or 24329
peer group 3 shall be the rate that is no less than ten and 24330
three-tenths per cent above the median desk-reviewed, actual, 24331
allowable, per diem indirect care cost for all ICFs/IID in ~~the~~ 24332
peer group 2 or peer group 3 (excluding ICFs/IID in ~~the~~ peer group 24333
2 or peer group 3 whose indirect care costs are more than three 24334
standard deviations from the mean desk-reviewed, actual, 24335
allowable, per diem indirect care cost for all ICFs/IID ~~with eight~~ 24336
~~or fewer beds in peer group 2 or peer group 3~~) for the calendar 24337
year immediately preceding the fiscal year in which the rate will 24338
be paid, adjusted by the inflation rate estimated under division 24339
~~(D)~~(E)(1) of this section. 24340

(b) For each fiscal year ending in an odd-numbered calendar 24341
year, the maximum rate for ~~each such~~ ICFs/IID in peer group 2 or 24342
peer group 3 is the ~~peer group's~~ maximum rate for ICFs/IID in peer 24343
group 2 or peer group 3 for the previous fiscal year, adjusted for 24344
the inflation rate estimated under division ~~(D)~~(E)(2) of this 24345
section. 24346

(3) The department shall not redetermine a maximum rate for 24347
indirect care costs under division (C)(1) or (2) of this section 24348
based on additional information that it receives after the maximum 24349
rate is set. The department shall redetermine the maximum rate for 24350
indirect care costs only if it made an error in computing the 24351
maximum rate based on the information available to the department 24352
at the time of the original calculation. 24353

(D)(1) The efficiency incentive for an ICF/IID in peer group 24354

1 shall not exceed the following: 24355

(a) For fiscal year 2014, seven and one-tenth per cent of the maximum rate established for ICFs/IID in peer group 1 under division (C) of this section; 24356
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(b) For fiscal year 2015, the following amount: 24359

(i) The amount calculated for fiscal year 2014 under division (D)(1)(a) of this section if the provider of the ICF/IID obtains the department's approval to become a downsized ICF/IID and the approval is conditioned on the downsizing being completed not later than July 1, 2018; 24360
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(ii) One-half of the amount calculated for fiscal year 2014 under division (D)(1)(a) of this section if division (D)(1)(b)(i) of this section does not apply to the ICF/IID. 24365
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24367

(c) For fiscal year 2016 and each fiscal year thereafter ending in an even-numbered calendar year, the following percentages of the maximum rate established for ICFs/IID in peer group 1 under division (C) of this section: 24368
24369
24370
24371

(i) Seven and one-tenth per cent if the provider of the ICF/IID obtains the department's approval to become a downsized ICF/IID and the approval is conditioned on the downsizing being completed not later than July 1, 2018; 24372
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24375

(ii) Three and fifty-five hundredths per cent if division (D)(1)(c)(i) of this section does not apply to the ICF/IID. 24376
24377

(d) For fiscal year 2017 and each fiscal year thereafter ending in an odd-numbered calendar year, the amount calculated for the immediately preceding fiscal year under division (D)(1)(c) of this section. 24378
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(2) The efficiency incentive for an ICF/IID in peer group 2 or peer group 3 shall not exceed the following: 24382
24383

(a) For each fiscal year ending in an even-numbered calendar 24384

year, seven per cent of the maximum rate established for ICFs/IID 24385
in peer group 2 or peer group 3 under division (C) of this 24386
section; 24387

(b) For each fiscal year ending in an odd-numbered calendar 24388
year, the amount calculated for the immediately preceding fiscal 24389
year under division (D)(2)(a) of this section. 24390

(E)(1) When adjusting rates for inflation under divisions 24391
(B)(1), (C)(1)(a), and (C)(2)(a) of this section, the department 24392
shall estimate the rate of inflation for the eighteen-month period 24393
beginning on the first day of July of the calendar year 24394
immediately preceding the fiscal year in which the rate will be 24395
paid and ending on the thirty-first day of December of the fiscal 24396
year in which the rate will be paid. To estimate the rate of 24397
inflation, the department shall use the following: 24398

(a) Subject to division ~~(D)~~(E)(1)(b) of this section, the 24399
consumer price index for all items for all urban consumers for the 24400
midwest region, published by the United States bureau of labor 24401
statistics; 24402

(b) If the United States bureau of labor statistics ceases to 24403
publish the index specified in division ~~(D)~~(E)(1)(a) of this 24404
section, a comparable index that the bureau publishes and the 24405
department determines is appropriate. 24406

(2) When adjusting rates for inflation under divisions 24407
(C)(1)(b) and (C)(2)(b) of this section, the department shall 24408
estimate the rate of inflation for the twelve-month period 24409
beginning on the first day of January of the fiscal year 24410
immediately preceding the fiscal year in which the rate will be 24411
paid and ending on the thirty-first day of December of the fiscal 24412
year in which the rate will be paid. To estimate the rate of 24413
inflation, the department shall use the following: 24414

(a) Subject to division ~~(D)~~(E)(2)(b) of this section, the 24415

consumer price index for all items for all urban consumers for the 24416
midwest region, published by the United States bureau of labor 24417
statistics; 24418

(b) If the United States bureau of labor statistics ceases to 24419
publish the index specified in division ~~(D)~~(E)(2)(a) of this 24420
section, a comparable index that the bureau publishes and the 24421
department determines is appropriate. 24422

(3) If an inflation rate estimated under division ~~(D)~~(E)(1) 24423
or (2) of this section is different from the actual inflation rate 24424
for the relevant time period, as measured using the same index, 24425
the difference shall be added to or subtracted from the inflation 24426
rate estimated pursuant to this division for the following fiscal 24427
year. 24428

~~(E) The director of developmental disabilities shall adopt 24429
rules under section 5124.03 of the Revised Code that specify peer 24430
groups of ICFs/IID with more than eight beds and peer groups of 24431
ICFs/IID with eight or fewer beds, based on findings of 24432
significant per diem indirect care cost differences due to 24433
geography and bed size. The rules also may specify peer groups 24434
based on findings of significant per diem indirect care cost 24435
differences due to other factors, including case mix. 24436~~

Sec. 5124.28. Notwithstanding any provision of section 24437
5124.17 or 5124.21 of the Revised Code, the director of 24438
developmental disabilities may adopt rules under section 5124.03 24439
of the Revised Code that provide for the determination of a 24440
combined maximum payment limit for indirect care costs and costs 24441
of ownership for ICFs/IID ~~with eight or fewer beds in peer group~~ 24442
2. 24443

Sec. 5124.38. (A) The director of developmental disabilities 24444
shall establish a process under which an ICF/IID provider, or a 24445

group or association of ICF/IID providers, may seek 24446
reconsideration of medicaid payment rates established under this 24447
chapter, including a rate for direct care costs redetermined 24448
before the effective date of the rate as a result of an exception 24449
review conducted under section 5124.193 of the Revised Code. 24450
Except as provided in divisions (B) to (D) of this section, the 24451
only issue that a provider, group, or association may raise in the 24452
rate reconsideration is whether the rate was calculated in 24453
accordance with this chapter and the rules adopted under section 24454
5124.03 of the Revised Code. The provider, group, or association 24455
may submit written arguments or other materials that support its 24456
position. The provider, group, or association and department shall 24457
take actions regarding the rate reconsideration within time frames 24458
specified in rules authorized by this section. 24459

If the department determines, as a result of the rate 24460
reconsideration, that the rate established for one or more 24461
ICFs/IID is less than the rate to which the ICF/IID is entitled, 24462
the department shall increase the rate. If the department has paid 24463
the incorrect rate for a period of time, the department shall pay 24464
the provider of the ICF/IID the difference between the amount the 24465
provider was paid for that period for the ICF/IID and the amount 24466
the provider should have been paid for the ICF/IID. 24467

(B)(1) The department, through the rate reconsideration 24468
process, may increase during a fiscal year the medicaid payment 24469
rate determined for an ICF/IID under this chapter if the provider 24470
demonstrates that the ICF/IID's actual, allowable costs have 24471
increased because of any of the following extreme circumstances: 24472

(a) A natural disaster; 24473

(b) A nonextensive renovation approved under division ~~(D)~~(E) 24474
of section 5124.17 of the Revised Code; 24475

(c) If the ICF/IID has an appropriate claims management 24476

program, an increase in the ICF/IID's workers' compensation 24477
experience rating of greater than five per cent; 24478

(d) If the ICF/IID is an inner-city ICF/IID, increased 24479
security costs; 24480

(e) A change of ownership that results from bankruptcy, 24481
foreclosure, or findings by the department of health of violations 24482
of medicaid certification requirements; 24483

(f) Other extreme circumstances specified in rules authorized 24484
by this section. 24485

(2) An ICF/IID may qualify for a rate increase under this 24486
division only if its per diem, actual, allowable costs have 24487
increased to a level that exceeds its total rate. An increase 24488
under this division is subject to any rate limitations or maximum 24489
rates established by this chapter for specific cost centers. Any 24490
rate increase granted under this division shall take effect on the 24491
first day of the first month after the department receives the 24492
request. 24493

(C) The department, through the rate reconsideration process, 24494
may increase an ICF/IID's rate as determined under this chapter if 24495
the department, in the department's sole discretion, determines 24496
that the rate as determined under those sections works an extreme 24497
hardship on the ICF/IID. 24498

(D) When beds certified for the medicaid program are added to 24499
an existing ICF/IID or replaced at the same site, the department, 24500
through the rate reconsideration process, may increase the 24501
ICF/IID's rate for capital costs proportionately, as limited by 24502
any applicable limitation under section 5124.17 of the Revised 24503
Code, to account for the costs of the beds that are added or 24504
replaced. If the department makes this increase, it shall make the 24505
increase one month after the first day of the month after the 24506
department receives sufficient documentation of the costs. Any 24507

rate increase granted under this division after June 30, 1993, 24508
shall remain in effect until the effective date of a rate for 24509
capital costs determined under section 5124.17 of the Revised Code 24510
that includes costs incurred for a full calendar year for the bed 24511
addition or bed replacement. The ICF/IID shall report double 24512
accumulated depreciation in an amount equal to the depreciation 24513
included in the rate adjustment on its cost report for the first 24514
year of operation. During the term of any loan used to finance a 24515
project for which a rate adjustment is granted under this 24516
division, if the ICF/IID is operated by the same provider, the 24517
provider shall subtract from the interest costs it reports on its 24518
cost report an amount equal to the difference between the 24519
following: 24520

(1) The actual, allowable interest costs for the loan during 24521
the calendar year for which the costs are being reported; 24522

(2) The actual, allowable interest costs attributable to the 24523
loan that were used to calculate the rates paid to the provider 24524
for the ICF/IID during the same calendar year. 24525

(E) The department's decision at the conclusion of the 24526
reconsideration process is not subject to any administrative 24527
proceedings under Chapter 119. or any other provision of the 24528
Revised Code. 24529

(F) The director of developmental disabilities shall adopt 24530
rules under section 5124.03 of the Revised Code as necessary to 24531
implement this section. 24532

Sec. 5124.60. (A) For the purpose of increasing the number of 24533
slots available for home and community-based services ~~and subject~~ 24534
~~to sections 5124.63 and 5124.64 of the Revised Code,~~ the operator 24535
of an ICF/IID may convert some or all of the beds in the ICF/IID 24536
from providing ICF/IID services to providing home and 24537
community-based services if all of the following requirements are 24538

met: 24539

(1) The operator provides the directors of health and 24540
developmental disabilities at least ninety days' notice of the 24541
operator's intent to make the conversion. 24542

(2) The operator complies with the requirements of sections 24543
5124.50 to 5124.53 of the Revised Code regarding a voluntary 24544
termination if those requirements are applicable. 24545

(3) If the operator intends to convert all of the ICF/IID's 24546
beds, the operator notifies each of the ICF/IID's residents that 24547
the ICF/IID is to cease providing ICF/IID services and inform each 24548
resident that the resident may do either of the following: 24549

(a) Continue to receive ICF/IID services by transferring to 24550
another ICF/IID that is willing and able to accept the resident if 24551
the resident continues to qualify for ICF/IID services; 24552

(b) Begin to receive home and community-based services 24553
instead of ICF/IID services from any provider of home and 24554
community-based services that is willing and able to provide the 24555
services to the resident if the resident is eligible for the 24556
services and a slot for the services is available to the resident. 24557

(4) If the operator intends to convert some but not all of 24558
the ICF/IID's beds, the operator notifies each of the ICF/IID's 24559
residents that the ICF/IID is to convert some of its beds from 24560
providing ICF/IID services to providing home and community-based 24561
services and inform each resident that the resident may do either 24562
of the following: 24563

(a) Continue to receive ICF/IID services from any ICF/IID 24564
that is willing and able to provide the services to the resident 24565
if the resident continues to qualify for ICF/IID services; 24566

(b) Begin to receive home and community-based services 24567
instead of ICF/IID services from any provider of home and 24568

community-based services that is willing and able to provide the 24569
services to the resident if the resident is eligible for the 24570
services and a slot for the services is available to the resident. 24571

(5) The operator meets the requirements for providing home 24572
and community-based services, including the following: 24573

(a) Such requirements applicable to a residential facility if 24574
the operator maintains the facility's license as a residential 24575
facility; 24576

(b) Such requirements applicable to a facility that is not 24577
licensed as a residential facility if the operator surrenders the 24578
facility's license as a residential facility under section 5123.19 24579
of the Revised Code. 24580

(6) The director of developmental disabilities approves the 24581
conversion. 24582

(B) A decision by the director of developmental disabilities 24583
to approve or refuse to approve a proposed conversion of beds is 24584
final. In making a decision, the director shall consider all of 24585
the following: 24586

(1) The fiscal impact on the ICF/IID if some but not all of 24587
the beds are converted; 24588

(2) The fiscal impact on the medicaid program; 24589

(3) The availability of home and community-based services. 24590

(C) The notice provided to the directors under division 24591
(A)(1) of this section shall specify whether some or all of the 24592
ICF/IID's beds are to be converted. If some but not all of the 24593
beds are to be converted, the notice shall specify how many of the 24594
ICF/IID's beds are to be converted and how many of the beds are to 24595
continue to provide ICF/IID services. The notice to the director 24596
of developmental disabilities shall specify whether the operator 24597
wishes to surrender the ICF/IID's license as a residential 24598

facility under section 5123.19 of the Revised Code. 24599

(D)(1) If the director of developmental disabilities approves 24600
a conversion under division (B) of this section, the director of 24601
health shall do the following: 24602

(a) Terminate the ICF/IID's medicaid certification if the 24603
notice specifies that all of the ICF/IID's beds are to be 24604
converted; 24605

(b) Reduce the ICF/IID's medicaid-certified capacity by the 24606
number of beds being converted if the notice specifies that some 24607
but not all of the beds are to be converted. 24608

(2) The director of health shall notify the medicaid director 24609
of the termination or reduction. On receipt of the notice, the 24610
medicaid director shall do the following: 24611

(a) Terminate the operator's medicaid provider agreement that 24612
authorizes the operator to provide ICF/IID services at the ICF/IID 24613
if the ICF/IID's certification was terminated; 24614

(b) Amend the operator's medicaid provider agreement to 24615
reflect the ICF/IID's reduced medicaid-certified capacity if the 24616
ICF/IID's medicaid-certified capacity is reduced. 24617

(3) In the case of action taken under division (D)(2)(a) of 24618
this section, the operator is not entitled to notice or a hearing 24619
under Chapter 119. of the Revised Code before the medicaid 24620
director terminates the medicaid provider agreement. 24621

Sec. 5124.61. (A) For the purpose of increasing the number of 24622
slots available for home and community-based services ~~and subject~~ 24623
~~to sections 5124.63 and 5124.64 of the Revised Code~~, a person who 24624
acquires, through a request for proposals issued by the director 24625
of developmental disabilities, an ICF/IID for which a residential 24626
facility license was previously surrendered or revoked may convert 24627
some or all of the ICF/IID's beds from providing ICF/IID services 24628

to providing home and community-based services if all of the 24629
following requirements are met: 24630

(1) The person provides the directors of health and 24631
developmental disabilities and medicaid director at least ninety 24632
days' notice of the person's intent to make the conversion. 24633

(2) The person complies with the requirements of sections 24634
5124.50 to 5124.53 of the Revised Code regarding a voluntary 24635
termination if those requirements are applicable. 24636

(3) If the person intends to convert all of the ICF/IID's 24637
beds, the person notifies each of the ICF/IID's residents that the 24638
ICF/IID is to cease providing ICF/IID services and informs each 24639
resident that the resident may do either of the following: 24640

(a) Continue to receive ICF/IID services by transferring to 24641
another ICF/IID willing and able to accept the resident if the 24642
resident continues to qualify for ICF/IID services; 24643

(b) Begin to receive home and community-based services 24644
instead of ICF/IID services from any provider of home and 24645
community-based services that is willing and able to provide the 24646
services to the resident if the resident is eligible for the 24647
services and a slot for the services is available to the resident. 24648

(4) If the person intends to convert some but not all of the 24649
ICF/IID's beds, the person notifies each of the ICF/IID's 24650
residents that the ICF/IID is to convert some of its beds from 24651
providing ICF/IID services to providing home and community-based 24652
services and inform each resident that the resident may do either 24653
of the following: 24654

(a) Continue to receive ICF/IID services from any that is 24655
willing and able to provide the services to the resident if the 24656
resident continues to qualify for ICF/IID services; 24657

(b) Begin to receive home and community-based services 24658

instead of ICF/IID services from any provider of home and 24659
community-based services that is willing and able to provide the 24660
services to the resident if the resident is eligible for the 24661
services and a slot for the services is available to the resident. 24662

(5) The person meets the requirements for providing home and 24663
community-based services at a residential facility. 24664

(B) The notice provided to the directors under division 24665
(A)(1) of this section shall specify whether some or all of the 24666
ICF/IID's beds are to be converted. If some but not all of the 24667
beds are to be converted, the notice shall specify how many of the 24668
ICF/IID's beds are to be converted and how many of the beds are to 24669
continue to provide ICF/IID services. 24670

(C) On receipt of a notice under division (A)(1) of this 24671
section, the director of health shall do the following: 24672

(1) Terminate the ICF/IID's medicaid certification if the 24673
notice specifies that all of the facility's beds are to be 24674
converted; 24675

(2) Reduce the ICF/IID's medicaid-certified capacity by the 24676
number of beds being converted if the notice specifies that some 24677
but not all of the beds are to be converted. 24678

(D) The director of health shall notify the medicaid director 24679
of the termination or reduction under division (C) of this 24680
section. On receipt of the director of health's notice, the 24681
medicaid director shall do the following: 24682

(1) Terminate the person's medicaid provider agreement that 24683
authorizes the person to provide ICF/IID services at the ICF/IID 24684
if the ICF/IID's medicaid certification was terminated; 24685

(2) Amend the person's medicaid provider agreement to reflect 24686
the ICF/IID's reduced medicaid-certified capacity if the ICF/IID's 24687
medicaid-certified capacity is reduced. 24688

The person is not entitled to notice or a hearing under 24689
Chapter 119. of the Revised Code before the medicaid director 24690
terminates or amends the medicaid provider agreement. 24691

~~Sec. 5124.62. Subject to section 5124.63 of the Revised Code,~~ 24692
~~the~~ The director of developmental disabilities may request that 24693
the medicaid director seek the approval of the United States 24694
secretary of health and human services to increase the number of 24695
slots available for home and community-based services by a number 24696
not exceeding the number of beds that were part of the licensed 24697
capacity of a residential facility that had its license revoked or 24698
surrendered under section 5123.19 of the Revised Code if the 24699
residential facility was an ICF/IID at the time of the license 24700
revocation or surrender. ~~The revocation or surrender may have~~ 24701
~~occurred before, or may occur on or after, June 24, 2008.~~ The 24702
request may include beds the director of developmental 24703
disabilities removed from such a residential facility's licensed 24704
capacity before transferring ownership or operation of the 24705
residential facility pursuant to a request for proposals. 24706

Sec. 5124.67. (A)(1) The department of developmental 24707
disabilities shall strive to achieve, not later than July 1, 2018, 24708
the following statewide reductions in ICF/IID beds: 24709

~~(1)(a)~~ (a) At least five hundred ~~and not more than six hundred~~ 24710
beds in ICFs/IID that, before becoming downsized ICFs/IID, have 24711
sixteen or more beds; 24712

~~(2)(b)~~ (b) At least five hundred ~~and not more than six hundred~~ 24713
beds in ICFs/IID with any number of beds that convert some or all 24714
of their beds from providing ICF/IID services to providing home 24715
and community-based services pursuant to section 5124.60 or 24716
5124.61 of the Revised Code. 24717

(2) The department shall strive to achieve a reduction of at 24718

least one thousand two hundred ICF/IID beds through a combination 24719
of the methods specified in divisions (A)(1)(a) and (b) of this 24720
section. 24721

(B) In its efforts to achieve the reductions under division 24722
(A) of this section, the department shall collaborate with the 24723
Ohio association of county boards serving people with 24724
developmental disabilities, the Ohio provider resource 24725
association, the Ohio centers for intellectual disabilities formed 24726
by the Ohio health care association, and the values and faith 24727
alliance. The collaboration efforts may include the following: 24728

(1) Identifying ICFs/IID that may reduce the number of their 24729
beds to help achieve the reductions under division (A) of this 24730
section; 24731

(2) Encouraging ICF/IID providers to reduce the number of 24732
their ICFs/IID's beds; 24733

(3) Establishing interim time frames for making progress in 24734
achieving the reductions; 24735

(4) Creating incentives for, and removing impediments to, the 24736
reductions; 24737

(5) In the case of ICF/IID beds that are converted to 24738
providing home and community-based services, developing a 24739
mechanism to compensate providers for beds that permanently cease 24740
to provide ICF/IID services. 24741

(C) The department shall meet not less than twice each year 24742
with the organizations specified in division (B) of this section 24743
to do all of the following: 24744

(1) Review the progress being made in achieving the 24745
reductions under division (A) of this section; 24746

(2) Prepare written reports on the progress; 24747

(3) Identify additional measures needed to achieve the 24748

reductions. 24749

Sec. 5126.01. As used in this chapter: 24750

(A) As used in this division, "adult" means an individual who 24751
is eighteen years of age or over and not enrolled in a program or 24752
service under Chapter 3323. of the Revised Code and an individual 24753
sixteen or seventeen years of age who is eligible for adult 24754
services under rules adopted by the director of developmental 24755
disabilities pursuant to Chapter 119. of the Revised Code. 24756

(1) "Adult services" means services provided to an adult 24757
outside the home, except when they are provided within the home 24758
according to an individual's assessed needs and identified in an 24759
individual service plan, that support learning and assistance in 24760
the area of self-care, sensory and motor development, 24761
socialization, daily living skills, communication, community 24762
living, social skills, or vocational skills. 24763

(2) "Adult services" includes all of the following: 24764

(a) Adult day habilitation services; 24765

(b) ~~Adult day care;~~ 24766

~~(c) Prevocational Employment services;~~ 24767

~~(d) Sheltered employment;~~ 24768

~~(e)~~(c) Educational experiences and training obtained through 24769
entities and activities that are not expressly intended for 24770
individuals with mental retardation and developmental 24771
disabilities, including trade schools, vocational or technical 24772
schools, adult education, job exploration and sampling, unpaid 24773
work experience in the community, volunteer activities, and 24774
spectator sports; 24775

~~(f) Community employment services and supported employment 24776
services. 24777~~

(B)(1) "Adult day habilitation services" means adult services 24778
that do the following: 24779

(a) Provide access to and participation in typical activities 24780
and functions of community life that are desired and chosen by the 24781
general population, including such activities and functions as 24782
opportunities to experience and participate in community 24783
exploration, companionship with friends and peers, leisure 24784
activities, hobbies, maintaining family contacts, community 24785
events, and activities where individuals without disabilities are 24786
involved; 24787

(b) Provide supports or a combination of training and 24788
supports that afford an individual a wide variety of opportunities 24789
to facilitate and build relationships and social supports in the 24790
community. 24791

(2) "Adult day habilitation services" includes all of the 24792
following: 24793

(a) Personal care services needed to ensure an individual's 24794
ability to experience and participate in vocational services, 24795
educational services, community activities, and any other adult 24796
day habilitation services; 24797

(b) Skilled services provided while receiving adult day 24798
habilitation services, including such skilled services as behavior 24799
management intervention, occupational therapy, speech and language 24800
therapy, physical therapy, and nursing services; 24801

(c) Training and education in self-determination designed to 24802
help the individual do one or more of the following: develop 24803
self-advocacy skills, exercise the individual's civil rights, 24804
acquire skills that enable the individual to exercise control and 24805
responsibility over the services received, and acquire skills that 24806
enable the individual to become more independent, integrated, or 24807
productive in the community; 24808

(d) Recreational and leisure activities identified in the individual's service plan as therapeutic in nature or assistive in developing or maintaining social supports; 24809
24810
24811

~~(e) Counseling and assistance provided to obtain housing, including such counseling as identifying options for either rental or purchase, identifying financial resources, assessing needs for environmental modifications, locating housing, and planning for ongoing management and maintenance of the housing selected;~~ 24812
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~~(f)~~(e) Transportation necessary to access adult day habilitation services; 24817
24818

~~(g)~~(f) Habilitation management, as described in section 5126.14 of the Revised Code. 24819
24820

(3) "Adult day habilitation services" does not include activities that are components of the provision of residential services, family support services, or supported living services. 24821
24822
24823

(C) "Appointing authority" means the following: 24824

(1) In the case of a member of a county board of developmental disabilities appointed by, or to be appointed by, a board of county commissioners, the board of county commissioners; 24825
24826
24827

(2) In the case of a member of a county board appointed by, or to be appointed by, a senior probate judge, the senior probate judge. 24828
24829
24830

(D) "Community employment," "competitive employment," and "integrated setting" have the same meanings as in section 5123.022 of the Revised Code. 24831
24832
24833

(E) "Supported employment services" means vocational assessment, job training and coaching, job development and placement, worksite accessibility, and other services related to employment outside a sheltered workshop. "Supported employment services" includes both of the following: 24834
24835
24836
24837
24838

(1) Job training resulting in the attainment of community employment, supported work in a typical work environment, or self-employment;	24839
	24840
	24841
(2) Support for ongoing community employment, supported work at community-based sites, or self-employment.	24842
	24843
(F) As used in this division, "substantial functional limitation," "developmental delay," and "established risk" have <u>has the meanings meaning</u> established pursuant to section 5123.011 of the Revised Code.	24844
	24845
	24846
	24847
"Developmental disability" means a severe, chronic disability that is characterized by all of the following:	24848
	24849
(1) It is attributable to a mental or physical impairment or a combination of mental and physical impairments, other than a mental or physical impairment solely caused by mental illness as defined in division (A) of section 5122.01 of the Revised Code;	24850
	24851
	24852
	24853
(2) It is manifested before age twenty-two;	24854
(3) It is likely to continue indefinitely;	24855
(4) It results in one of the following:	24856
(a) In the case of a person under age three, at least one developmental delay or an established risk <u>a diagnosed physical or mental condition that has a high probability of resulting in a developmental delay;</u>	24857
	24858
	24859
	24860
(b) In the case of a person at least age three but under age six, at least two developmental delays or an established risk;	24861
	24862
(c) In the case of a person age six or older, a substantial functional limitation in at least three of the following areas of major life activity, as appropriate for the person's age:	24863
	24864
self-care, receptive and expressive language, learning, mobility,	24865
self-direction, capacity for independent living, and, if the	24866
person is at least age sixteen, capacity for economic	24867
	24868

self-sufficiency. 24869

(5) It causes the person to need a combination and sequence 24870
of special, interdisciplinary, or other type of care, treatment, 24871
or provision of services for an extended period of time that is 24872
individually planned and coordinated for the person. 24873

(G) "Early childhood services" means a planned program of 24874
habilitation designed to meet the needs of individuals with mental 24875
retardation or other developmental disabilities who have not 24876
attained compulsory school age. 24877

(H) "Employment services" means prevocational services or 24878
supported employment services. 24879

(I)(1) "Environmental modifications" means the physical 24880
adaptations to an individual's home, specified in the individual's 24881
service plan, that are necessary to ensure the individual's 24882
health, safety, and welfare or that enable the individual to 24883
function with greater independence in the home, and without which 24884
the individual would require institutionalization. 24885

(2) "Environmental modifications" includes such adaptations 24886
as installation of ramps and grab-bars, widening of doorways, 24887
modification of bathroom facilities, and installation of 24888
specialized electric and plumbing systems necessary to accommodate 24889
the individual's medical equipment and supplies. 24890

(3) "Environmental modifications" does not include physical 24891
adaptations or improvements to the home that are of general 24892
utility or not of direct medical or remedial benefit to the 24893
individual, including such adaptations or improvements as 24894
carpeting, roof repair, and central air conditioning. 24895

(J) "Family support services" means the services provided 24896
under a family support services program operated under section 24897
5126.11 of the Revised Code. 24898

(K) "Habilitation" means the process by which the staff of the facility or agency assists an individual with mental retardation or other developmental disability in acquiring and maintaining those life skills that enable the individual to cope more effectively with the demands of the individual's own person and environment, and in raising the level of the individual's personal, physical, mental, social, and vocational efficiency. Habilitation includes, but is not limited to, programs of formal, structured education and training.

(L) "Home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.

(M) "ICF/IID" has the same meaning as in section 5124.01 of the Revised Code.

(N) "Immediate family" means parents, grandparents, brothers, sisters, spouses, sons, daughters, aunts, uncles, mothers-in-law, fathers-in-law, brothers-in-law, sisters-in-law, sons-in-law, and daughters-in-law.

(O) "Medicaid case management services" means case management services provided to an individual with mental retardation or other developmental disability that the state medicaid plan requires.

(P) "Mental retardation" means a mental impairment manifested during the developmental period characterized by significantly subaverage general intellectual functioning existing concurrently with deficiencies in the effectiveness or degree with which an individual meets the standards of personal independence and social responsibility expected of the individual's age and cultural group.

(Q) "Prevocational services" means ~~services, including services as a volunteer,~~ that provide learning and work experiences, including volunteer work experiences, from which an

individual can develop general strengths and skills that are not 24930
specific to a particular task or job but contribute to 24931
employability in community employment, supported work at 24932
community-based sites, or self-employment. 24933

(R) "Residential services" means services to individuals with 24934
mental retardation or other developmental disabilities to provide 24935
housing, food, clothing, habilitation, staff support, and related 24936
support services necessary for the health, safety, and welfare of 24937
the individuals and the advancement of their quality of life. 24938
"Residential services" includes program management, as described 24939
in section 5126.14 of the Revised Code. 24940

(S) "Resources" means available capital and other assets, 24941
including moneys received from the federal, state, and local 24942
governments, private grants, and donations; appropriately 24943
qualified personnel; and appropriate capital facilities and 24944
equipment. 24945

(T) "Senior probate judge" means the current probate judge of 24946
a county who has served as probate judge of that county longer 24947
than any of the other current probate judges of that county. If a 24948
county has only one probate judge, "senior probate judge" means 24949
that probate judge. 24950

(U) "Service and support administration" means the duties 24951
performed by a service and support administrator pursuant to 24952
section 5126.15 of the Revised Code. 24953

(V)(1) "Specialized medical, adaptive, and assistive 24954
equipment, supplies, and supports" means equipment, supplies, and 24955
supports that enable an individual to increase the ability to 24956
perform activities of daily living or to perceive, control, or 24957
communicate within the environment. 24958

(2) "Specialized medical, adaptive, and assistive equipment, 24959
supplies, and supports" includes the following: 24960

(a) Eating utensils, adaptive feeding dishes, plate guards, 24961
mylatex straps, hand splints, reaches, feeder seats, adjustable 24962
pointer sticks, interpreter services, telecommunication devices 24963
for the deaf, computerized communications boards, other 24964
communication devices, support animals, veterinary care for 24965
support animals, adaptive beds, supine boards, prone boards, 24966
wedges, sand bags, sidelayers, bolsters, adaptive electrical 24967
switches, hand-held shower heads, air conditioners, humidifiers, 24968
emergency response systems, folding shopping carts, vehicle lifts, 24969
vehicle hand controls, other adaptations of vehicles for 24970
accessibility, and repair of the equipment received. 24971

(b) Nondisposable items not covered by medicaid that are 24972
intended to assist an individual in activities of daily living or 24973
instrumental activities of daily living. 24974

(W) "Supportive home services" means a range of services to 24975
families of individuals with mental retardation or other 24976
developmental disabilities to develop and maintain increased 24977
acceptance and understanding of such persons, increased ability of 24978
family members to teach the person, better coordination between 24979
school and home, skills in performing specific therapeutic and 24980
management techniques, and ability to cope with specific 24981
situations. 24982

(X)(1) "Supported living" means services provided for as long 24983
as twenty-four hours a day to an individual with mental 24984
retardation or other developmental disability through any public 24985
or private resources, including moneys from the individual, that 24986
enhance the individual's reputation in community life and advance 24987
the individual's quality of life by doing the following: 24988

(a) Providing the support necessary to enable an individual 24989
to live in a residence of the individual's choice, with any number 24990
of individuals who are not disabled, or with not more than three 24991
individuals with mental retardation and developmental disabilities 24992

unless the individuals are related by blood or marriage;	24993
(b) Encouraging the individual's participation in the community;	24994 24995
(c) Promoting the individual's rights and autonomy;	24996
(d) Assisting the individual in acquiring, retaining, and improving the skills and competence necessary to live successfully in the individual's residence.	24997 24998 24999
(2) "Supported living" includes the provision of all of the following:	25000 25001
(a) Housing, food, clothing, habilitation, staff support, professional services, and any related support services necessary to ensure the health, safety, and welfare of the individual receiving the services;	25002 25003 25004 25005
(b) A combination of lifelong or extended-duration supervision, training, and other services essential to daily living, including assessment and evaluation and assistance with the cost of training materials, transportation, fees, and supplies;	25006 25007 25008 25009 25010
(c) Personal care services and homemaker services;	25011
(d) Household maintenance that does not include modifications to the physical structure of the residence;	25012 25013
(e) Respite care services;	25014
(f) Program management, as described in section 5126.14 of the Revised Code.	25015 25016
Sec. 5126.02. (A) Each county shall have its own county board of developmental disabilities. Subject to division (B) of this section:	25017 25018 25019
(1) A county board shall be operated as a separate administrative and service entity.	25020 25021

(2) The functions of a county board shall not be combined 25022
with the functions of any other entity of county government. 25023

(B) Division (A) of this section does not prohibit or 25024
restrict any county board from sharing administrative functions or 25025
personnel with one or more other county boards, including entering 25026
into an arrangement authorized by division (B) of section 25027
5126.0219 of the Revised Code or an agreement with one or more 25028
other county boards to share the services of any employee. 25029

Sec. 5126.022. When making appointments to a county board of 25030
developmental disabilities, an appointing authority shall do all 25031
of the following: 25032

(A) Appoint only individuals who are residents of the county 25033
the appointing authority serves, citizens of the United States, 25034
and interested and knowledgeable in the field of mental 25035
retardation and other allied fields; 25036

(B) If the appointing authority is a board of county 25037
commissioners, appoint at least two individuals who are eligible 25038
for services provided by the county board or are immediate family 25039
members of such individuals ~~eligible for services provided by the~~ 25040
~~county board and.~~ The board of county commissioners shall, 25041
whenever possible, ensure that one of those two members is an 25042
individual eligible for adult services or an immediate family 25043
member of an individual eligible for adult services and the other 25044
is an immediate family member of an individual eligible for early 25045
intervention services or services for preschool or school-age 25046
children; 25047

(C) If the appointing authority is a senior probate judge, 25048
appoint at least one individual who is an immediate family member 25049
of an individual eligible for residential services or supported 25050
living; 25051

(D) Appoint, to the maximum extent possible, individuals who 25052
have professional training and experience in business management, 25053
finance, law, health care practice, personnel administration, or 25054
government service; 25055

(E) Provide for the county board's membership to reflect, as 25056
nearly as possible, the composition of the county that the county 25057
board serves. 25058

Sec. 5126.0219. (A) Each county board of developmental 25059
disabilities shall either employ a superintendent or obtain the 25060
services of the superintendent of another county board of 25061
developmental disabilities. The board shall provide for a 25062
superintendent who is qualified, as specified in rules adopted by 25063
the department of developmental disabilities in accordance with 25064
Chapter 119. of the Revised Code. The superintendent shall have no 25065
voting privileges on the board. 25066

If the superintendent position becomes vacant, the county 25067
board first shall consider entering into an agreement with another 25068
county board for the sharing of a superintendent under division 25069
(B) of this section. If the county board determines there are no 25070
significant efficiencies or it is impractical to share a 25071
superintendent, the county board may employ a superintendent in 25072
accordance with this section to fill the vacancy. 25073

The board shall prescribe the duties of its superintendent 25074
and review the superintendent's performance. The superintendent 25075
may be removed, suspended, or demoted for cause pursuant to 25076
section 5126.23 of the Revised Code. The board shall fix the 25077
superintendent's compensation and reimburse the superintendent for 25078
actual and necessary expenses. 25079

Each county board that employs its own superintendent shall 25080
employ the superintendent under a contract. To enter into a 25081
contract, the board shall adopt a resolution agreeing to the 25082

contract. Each contract for employment or re-employment of a 25083
superintendent shall be for a term of not less than one and not 25084
more than five years. At the expiration of a superintendent's 25085
current term of employment, the superintendent may be re-employed. 25086
If the board intends not to re-employ the superintendent, the 25087
board shall give the superintendent written notification of its 25088
intention. The notice shall be given not less than ninety days 25089
prior to the expiration of the superintendent's contract. 25090

(B) Two or more county boards may enter into an arrangement 25091
under which the superintendent of one county board acts as the 25092
superintendent of another county board. To enter into such an 25093
arrangement, each board shall adopt a resolution agreeing to the 25094
arrangement. The resolutions shall specify the duration of the 25095
arrangement and the contribution each board is to make to the 25096
superintendent's compensation and reimbursement for expenses. 25097

(C) If a vacancy occurs in the position of superintendent, a 25098
county board may appoint a person who holds a valid 25099
superintendent's certificate issued under the rules of the 25100
department to work under a contract for an interim period not to 25101
exceed one hundred eighty days until a permanent superintendent 25102
can be employed or arranged for under division (A) or (B) of this 25103
section. The director of the department may approve additional 25104
periods of time for these types of interim appointments when so 25105
requested by a resolution adopted by a county board, if the 25106
director determines that the additional periods are warranted and 25107
the services of a permanent superintendent are not available. 25108

Sec. 5126.041. (A) As used in this section: 25109

(1) ~~"Biological risk" and "environmental risk" have the 25110
meanings established pursuant to section 5123.011 of the Revised 25111
Code.~~ 25112

~~(2)~~ "Preschool child with a disability" has the same meaning 25113

as in section 3323.01 of the Revised Code. 25114

~~(3)~~(2) "State institution" means all or part of an 25115
institution under the control of the department of developmental 25116
disabilities pursuant to section 5123.03 of the Revised Code and 25117
maintained for the care, treatment, and training of the mentally 25118
retarded. 25119

(B) Except as provided in division (C) of this section, each 25120
county board of developmental disabilities shall make eligibility 25121
determinations in accordance with the definition of "developmental 25122
disability" in section 5126.01 of the Revised Code. Pursuant to 25123
~~rules the department of developmental disabilities shall adopt in~~ 25124
~~accordance with Chapter 119. adopted under section 5123.012~~ of the 25125
Revised Code, a county board may establish eligibility for 25126
programs and services for ~~either of the following:~~ 25127

~~(1) Individuals under age six who have a biological risk or 25128
environmental risk of a developmental delay;~~ 25129

~~(2) Any any~~ preschool child with a disability eligible for 25130
services under section 3323.02 of the Revised Code whose 25131
disability is not attributable solely to mental illness as defined 25132
in section 5122.01 of the Revised Code. 25133

(C)(1) A county board shall make determinations of 25134
eligibility for service and support administration in accordance 25135
with rules adopted under section 5126.08 of the Revised Code. 25136

(2) All persons who were eligible for services and enrolled 25137
in programs offered by a county board of developmental 25138
disabilities pursuant to this chapter on July 1, 1991, shall 25139
continue to be eligible for those services and to be enrolled in 25140
those programs as long as they are in need of services. 25141

(3) A person who resided in a state institution on or before 25142
October 29, 1993, is eligible for programs and services offered by 25143
a county board of developmental disabilities, unless the person is 25144

determined by the county board not to be in need of those programs 25145
and services. 25146

(D) A county board shall refer a person who requests but is 25147
not eligible for programs and services offered by the board to 25148
other entities of state and local government or appropriate 25149
private entities that provide services. 25150

(E) Membership of a person on, or employment of a person by, 25151
a county board of developmental disabilities does not affect the 25152
eligibility of any member of that person's family for services 25153
provided by the board or by any entity under contract with the 25154
board. 25155

Sec. 5126.046. (A) Except as otherwise provided by 42 C.F.R. 25156
431.51, an individual with mental retardation or other 25157
developmental disability who is eligible for home and 25158
community-based services has the right to obtain the services from 25159
any provider of the services that is qualified to furnish the 25160
services and is willing to furnish the services to the individual. 25161
A county board of developmental disabilities that has medicaid 25162
local administrative authority under division (A) of section 25163
5126.055 of the Revised Code for home and community-based services 25164
and refuses to permit an individual to obtain home and 25165
community-based services from a qualified and willing provider 25166
shall provide the individual timely notice that the individual may 25167
~~request a hearing~~ appeal under section ~~5101.35~~ 5160.31 of the 25168
Revised Code. 25169

(B) An individual with mental retardation or other 25170
developmental disability who is eligible for nonmedicaid 25171
residential services or nonmedicaid supported living has the right 25172
to obtain the services from any provider of the residential 25173
services or supported living that is qualified to furnish the 25174
residential services or supported living and is willing to furnish 25175

the residential services or supported living to the individual. 25176

(C) The department of developmental disabilities shall make 25177
available to the public on its internet web site an up-to-date 25178
list of all providers of home and community-based services, 25179
nonmedicaid residential services, and nonmedicaid supported 25180
living. County boards shall assist individuals with mental 25181
retardation or other developmental disabilities and the families 25182
of such individuals access the list on the department's internet 25183
web site. 25184

(D) The director of developmental disabilities shall adopt 25185
rules in accordance with Chapter 119. of the Revised Code 25186
governing the implementation of this section. The rules shall 25187
include procedures for individuals to choose their providers. ~~The~~ 25188
~~rules shall not be limited by a provider selection system~~ 25189
~~established under section 5126.42 of the Revised Code, including~~ 25190
~~any pool of providers created pursuant to a provider selection~~ 25191
~~system.~~ 25192

Sec. 5126.051. (A) To the extent that resources are 25193
available, a county board of developmental disabilities shall 25194
provide for or arrange residential services and supported living 25195
for individuals with mental retardation and developmental 25196
disabilities. 25197

A county board may acquire, convey, lease, or sell property 25198
for residential services and supported living and enter into loan 25199
agreements, including mortgages, for the acquisition of such 25200
property. A county board is not required to comply with provisions 25201
of Chapter 307. of the Revised Code providing for competitive 25202
bidding or sheriff sales in the acquisition, lease, conveyance, or 25203
sale of property under this division, but the acquisition, lease, 25204
conveyance, or sale must be at fair market value determined by 25205
appraisal of one or more disinterested persons appointed by the 25206

board. 25207

Any action taken by a county board under this division that 25208
will incur debt on the part of the county shall be taken in 25209
accordance with Chapter 133. of the Revised Code. A county board 25210
shall not incur any debt on the part of the county without the 25211
prior approval of the board of county commissioners. 25212

(B)(1) To the extent that resources are available, a county 25213
board shall provide or arrange for the provision of adult services 25214
to individuals who are age eighteen and older and not enrolled in 25215
a program or service under Chapter 3323. of the Revised Code or 25216
age sixteen or seventeen and eligible for adult services under 25217
rules adopted by the director of developmental disabilities under 25218
Chapter 119. of the Revised Code. These services shall be provided 25219
in accordance with the individual's individual service plan and 25220
shall include support services specified in the plan. 25221

(2) Any prevocational services shall be provided in 25222
accordance with the individual's individual service plan and occur 25223
over a specified period of time with specific outcomes sought to 25224
be achieved. 25225

(3) A county board may, in cooperation with the opportunities 25226
for Ohioans with disabilities agency, seek federal funds for job 25227
training or other services ~~directly~~ directed at helping 25228
individuals obtain community employment. 25229

(4) A county board may contract with any agency, board, or 25230
other entity that is accredited by the commission on accreditation 25231
of rehabilitation facilities to provide services. A county board 25232
that is accredited by the commission on accreditation of 25233
rehabilitation facilities may provide services for which it is 25234
certified by the commission. 25235

(C) To the extent that resources are available, a county 25236
board may provide services to an individual with mental 25237

retardation or other developmental disability in addition to those 25238
provided pursuant to this section, section 5126.05 of the Revised 25239
Code, or any other section of this chapter. The services shall be 25240
provided in accordance with the individual's individual service 25241
plan and may be provided in collaboration with other entities of 25242
state or local government. 25243

Sec. 5126.08. (A) The director of developmental disabilities 25244
shall adopt rules in accordance with Chapter 119. of the Revised 25245
Code for all programs and services offered by a county board of 25246
developmental disabilities. Such rules shall include, but are not 25247
limited to, the following: 25248

(1) Determination of what constitutes a program or service; 25249

(2) Standards to be followed by a board in administering, 25250
providing, arranging, or operating programs and services; 25251

(3) Standards for determining the nature and degree of mental 25252
retardation, including mild mental retardation, or developmental 25253
disability; 25254

(4) Standards and procedures for ~~determining~~ making 25255
eligibility determinations for the programs and services ~~under~~ 25256
~~section 5126.15 of the Revised Code;~~ 25257

(5) Procedures for obtaining consent for the arrangement of 25258
services under section 5126.31 of the Revised Code and for 25259
obtaining signatures on individual service plans under that 25260
section; 25261

(6) Specification of the service and support administration 25262
to be provided by a county board and standards for resolving 25263
grievances in connection with service and support administration. 25264

(B) The director shall be the final authority in determining 25265
the nature and degree of mental retardation or developmental 25266
disability. 25267

Sec. 5126.21. As used in this section, "management employee" 25268
does not include the superintendent of a county board of 25269
developmental disabilities. 25270

(A)(1) Each management employee of a county board of 25271
developmental disabilities shall hold a limited contract for a 25272
period of not less than one year and not more than five years, 25273
except that a management employee hired after the beginning of a 25274
program year may be employed under a limited contract expiring at 25275
the end of the program year. The board shall approve all contracts 25276
of employment for management employees that are for a term of more 25277
than one year. A management employee shall receive notice of the 25278
superintendent's intention not to rehire the employee at least 25279
ninety days prior to the expiration of the contract. 25280

(2) During the term of a contract a management employee's 25281
salary may be increased, but shall not be reduced unless the 25282
reduction is part of a uniform plan affecting all employees of the 25283
board. 25284

(B) All management employees may be removed, suspended, or 25285
demoted for cause pursuant to section 5126.23 of the Revised Code. 25286

(C) All management employees shall receive employee benefits 25287
as established by the board. Sections 124.38 and 325.19 of the 25288
Revised Code do not apply to management employees. 25289

(D) The superintendent of a county board of developmental 25290
disabilities shall notify all management employees of the board of 25291
their salary no later than thirty days before the first day of the 25292
new contract year. 25293

(E) Each county board of developmental disabilities shall 25294
establish a lay-off policy to be followed if it determines a 25295
reduction in the number of management employees is necessary. 25296

(F) If a management employee position becomes vacant, the 25297

superintendent first shall consider whether to enter into an 25298
agreement with another county board for the sharing of personnel 25299
under 5126.02 of the Revised Code. If the superintendent 25300
determines there are no significant efficiencies or it is 25301
impractical to share personnel, the superintendent may employ a 25302
management employee to fill the vacancy. 25303

Sec. 5126.25. (A) The director of developmental disabilities 25304
shall adopt rules under division (C) of this section establishing 25305
uniform standards and procedures for the certification and 25306
registration of persons, other than the persons described in 25307
division (I) of this section, who are seeking employment with or 25308
are employed by either of the following: 25309

(1) A county board of developmental disabilities; 25310

(2) An entity that contracts with a county board to operate 25311
programs and services for individuals with mental retardation or 25312
developmental disabilities. 25313

(B) No person shall be employed in a position for which 25314
certification or registration is required pursuant to the rules 25315
adopted under this section without the certification or 25316
registration that is required for that position. The person shall 25317
not be employed or shall not continue to be employed if the 25318
required certification or registration is denied, revoked, or not 25319
renewed. 25320

(C) The director shall adopt rules in accordance with Chapter 25321
119. of the Revised Code as the director considers necessary to 25322
implement and administer this section, including rules 25323
establishing all of the following: 25324

(1) Positions of employment that are subject to this section 25325
and, for each position, whether a person must receive 25326
certification or receive registration to be employed in that 25327

position; 25328

(2) Requirements that must be met to receive the 25329
certification or registration required to be employed in a 25330
particular position, including standards regarding education, 25331
specialized training, and experience, taking into account the 25332
needs of individuals with mental retardation or developmental 25333
disabilities and the specialized techniques needed to serve them, 25334
except that the rules shall not require a person designated as a 25335
service employee under section 5126.22 of the Revised Code to have 25336
or obtain a bachelor's or higher degree; 25337

(3) Procedures to be followed in applying for initial 25338
certification or registration and for renewing the certification 25339
or registration. 25340

(4) Requirements that must be met for renewal of 25341
certification or registration, which may include continuing 25342
education and professional training requirements; 25343

(5) Subject to section 5126.23 of the Revised Code, grounds 25344
for which certification or registration may be denied, suspended, 25345
or revoked and procedures for appealing the denial, suspension, or 25346
revocation. 25347

(D) Each person seeking certification or registration for 25348
employment shall apply in the manner established in rules adopted 25349
under this section. 25350

(E)(1) Except as provided in division (E)(2) of this section, 25351
the superintendent of each county board is responsible for taking 25352
all actions regarding certification and registration of employees, 25353
other than the position of superintendent, early intervention 25354
supervisor, early intervention specialist, or investigative agent. 25355
For the position of superintendent, early intervention supervisor, 25356
early intervention specialist, or investigative agent, the 25357
director of developmental disabilities is responsible for taking 25358

all such actions. 25359

Actions that may be taken by the superintendent or director 25360
include issuing, renewing, denying, suspending, and revoking 25361
certification and registration. All actions shall be taken in 25362
accordance with the rules adopted under this section. 25363

The superintendent may charge a fee to persons applying for 25364
certification or registration. The superintendent shall establish 25365
the amount of the fee according to the costs the county board 25366
incurs in administering its program for certification and 25367
registration of employees. 25368

A person subject to the denial, suspension, or revocation of 25369
certification or registration may appeal the decision. The appeal 25370
shall be made in accordance with the rules adopted under this 25371
section. 25372

(2) Pursuant to division (C) of section 5126.05 of the 25373
Revised Code, the superintendent may enter into a contract with 25374
any other entity under which the entity is given authority to 25375
carry out all or part of the superintendent's responsibilities 25376
under division (E)(1) of this section. 25377

(F) A person with valid certification or registration under 25378
this section on the effective date of any rules adopted under this 25379
section that increase the standards applicable to the 25380
certification or registration shall have such period as the rules 25381
prescribe, but not less than one year after the effective date of 25382
the rules, to meet the new certification or registration 25383
standards. 25384

(G) A person with valid certification or registration is 25385
qualified to be employed according to that certification or 25386
registration by any county board or entity contracting with a 25387
county board. 25388

(H) The director shall monitor county boards to ensure that 25389

their employees and the employees of their contracting entities 25390
have the applicable certification or registration required under 25391
this section and that the employees are performing only those 25392
functions they are authorized to perform under the certification 25393
or registration. The superintendent of each county board or the 25394
superintendent's designee shall maintain in appropriate personnel 25395
files evidence acceptable to the director that the employees have 25396
met the requirements. On request, representatives of the 25397
department of developmental disabilities shall be given access to 25398
the evidence. 25399

(I) The certification and registration requirements of this 25400
section and the rules adopted under it do not apply to either of 25401
the following: 25402

(1) A person who holds a valid license issued or certificate 25403
issued under Chapter 3319. of the Revised Code and performs no 25404
duties other than teaching or supervision of a teaching program; 25405

(2) A person who holds a valid license or certificate issued 25406
under Title XLVII of the Revised Code and performs only those 25407
duties governed by the license or certificate. 25408

Sec. 5126.42. ~~(A) A Each county board of developmental 25409
disabilities shall establish an advisory council composed of board 25410
members or employees of the board, providers, individuals 25411
receiving supported living, and advocates for individuals 25412
receiving supported living to provide on-going communication among 25413
all persons concerned with supported living. 25414~~

~~(B) The board shall develop procedures for the resolution of 25415
grievances between the following: 25416~~

~~(A) The board and providers ~~or between the;~~ 25417~~

~~(B) The board and an entity with which it has a shared 25418
funding agreement. 25419~~

~~(C) The board shall develop and implement a provider selection system. Each system shall enable an individual to choose to continue receiving supported living from the same providers, to select additional providers, or to choose alternative providers. Annually, the board shall review its provider selection system to determine whether it has been implemented in a manner that allows individuals fair and equitable access to providers.~~

~~In developing a provider selection system, the county board shall create a pool of providers for individuals to use in choosing their providers of supported living. The pool shall be created by placing in the pool all providers on record with the board or by placing in the pool all providers approved by the board through soliciting requests for proposals for supported living contracts. In either case, only providers that are certified by the director of developmental disabilities may be placed in the pool.~~

~~If the board places all providers on record in the pool, the board shall review the pool at least annually to determine whether each provider has continued interest in being a provider and has maintained its certification by the department. At any time, an interested and certified provider may make a request to the board that it be added to the pool, and the board shall add the provider to the pool not later than seven days after receiving the request.~~

~~If the board solicits requests for proposals for inclusion of providers in the pool, the board shall develop standards for selecting the providers to be included. Requests for proposals shall be solicited at least annually. When requests are solicited, the board shall cause legal notices to be published once each week for two consecutive weeks in a newspaper of general circulation within the county or as provided in section 7.16 of the Revised Code. The board's formal request for proposals shall include a description of any applicable contract terms, the standards that~~

~~are used to select providers for inclusion in the pool, and the 25452
process the board uses to resolve disputes arising from the 25453
selection process. The board shall accept requests from any entity 25454
interested in being a provider of supported living for individuals 25455
served by the board. Requests shall be approved or denied 25456
according to the standards developed by the board. Providers that 25457
previously have been placed in the pool are not required to 25458
resubmit a request for proposal to be included in the pool, unless 25459
the board's standards have been changed. 25460~~

~~In assisting an individual in choosing a provider, the county 25461
board shall provide the individual with uniform and consistent 25462
information pertaining to each provider in the pool. An individual 25463
may choose to receive supported living from a provider that is not 25464
included in the pool, if the provider is certified by the director 25465
of developmental disabilities. 25466~~

Sec. 5126.43. (A) After receiving notice from the department 25467
of developmental disabilities of the amount of state funds to be 25468
distributed to it for planning, developing, contracting for, and 25469
providing supported living, the county board of developmental 25470
disabilities shall arrange for supported living on behalf of and 25471
with the consent of individuals based on their individual service 25472
plans developed under section 5126.41 of the Revised Code. With 25473
the state distribution and any other money designated by the board 25474
for supported living, the board shall arrange for supported living 25475
in one or more of the following ways: 25476

(1) By contracting under section 5126.45 of the Revised Code 25477
with providers selected by the individual to be served; 25478

(2) By entering into shared funding agreements with state 25479
agencies, local public agencies, or political subdivisions at 25480
rates negotiated by the board; 25481

(3) By providing direct payment or vouchers to be used to 25482

purchase supported living, pursuant to a written contract in an amount determined by the board, to the individual or a person providing the individual with protective services as defined in section 5123.55 of the Revised Code.

(B) The board may arrange for supported living only with providers that are certified by the director of developmental disabilities.

When no certified provider is willing and able to provide supported living for an individual in accordance with the terms of the individual service plan for that individual, a county board may provide supported living directly if it is certified by the director of developmental disabilities to provide supported living.

A county board may, for a period not to exceed ninety days, contract for or provide supported living without meeting the requirements of this section for an individual it determines to be in emergency need of supported living. Thereafter, the individual shall choose providers in accordance with sections 5126.046 and 5126.41 and ~~5126.42~~ of the Revised Code.

Sec. 5126.45. (A) A contract between a county board of developmental disabilities and a provider of supported living shall be in writing and shall be based on the individual service plan developed by the individual under section 5126.41 of the Revised Code. The plan may be submitted as an addendum to the contract. An individual receiving services pursuant to a contract shall be considered a third-party beneficiary to the contract.

(B) The contract shall be negotiated between the provider and the county board. The terms of the contract shall include at least the following:

(1) The contract period and conditions for renewal;

(2) The services to be provided pursuant to the individual service plan;	25513 25514
(3) The rights and responsibilities of all parties to the contract;	25515 25516
(4) The methods that will be used to evaluate the services delivered by the provider;	25517 25518
(5) Procedures for contract modification that ensure all parties affected by the modification are involved and agree;	25519 25520
(6) A process for resolving conflicts between individuals receiving services, the county board, and the provider, as applicable;	25521 25522 25523
(7) Procedures for the retention of applicable records;	25524
(8) Provisions for contract termination by any party involved that include requirements for an appropriate notice of intent to terminate the contract;	25525 25526 25527
(9) Methods to be used to document services provided;	25528
(10) Procedures for submitting reports required by the county board as a condition of receiving payment under the contract;	25529 25530
(11) The method and schedule the board will use to make payments to the provider and whether periodic payment adjustments will be made to the provider;	25531 25532 25533
(12) Provisions for conducting fiscal reconciliations for payments made through methods other than a fee-for-service arrangement.	25534 25535 25536
(C) Payments to the provider under a supported living contract must be determined by the <u>county</u> board to be reasonable in accordance with policies and procedures developed by the <u>county</u> board. Goods or services provided without charge to the provider shall not be included as expenditures of the provider.	25537 25538 25539 25540 25541

(D) The county board shall establish procedures for 25542
reconciling expenditures and payments, other than those made under 25543
a fee-for-service arrangement, for the prior contract year when a 25544
contract is not renewed and shall reconcile expenditures and 25545
payments in accordance with these procedures. 25546

(E) A provider or an entity with which the county board has 25547
entered into a shared funding agreement may ~~appeal a negotiated~~ 25548
~~contract or proposed shared funding rate to~~ seek resolution of 25549
grievances with the county board using the procedures established 25550
by the county board under section 5126.42 of the Revised Code. 25551

Sec. 5139.05. (A) The juvenile court may commit any child to 25552
the department of youth services as authorized in Chapter 2152. of 25553
the Revised Code, provided that any child so committed shall be at 25554
least ten years of age at the time of the child's delinquent act, 25555
and, if the child is ten or eleven years of age, the delinquent 25556
act is a violation of section 2909.03 of the Revised Code or would 25557
be aggravated murder, murder, or a first or second degree felony 25558
offense of violence if committed by an adult. Any order to commit 25559
a child to an institution under the control and management of the 25560
department shall have the effect of ordering that the child be 25561
committed to the department and assigned to an institution or 25562
placed in a community corrections facility in accordance with 25563
division (E) of section 5139.36 of the Revised Code as follows: 25564

(1) For an indefinite term consisting of the prescribed 25565
minimum period specified by the court under division (A)(1) of 25566
section 2152.16 of the Revised Code and a maximum period not to 25567
exceed the child's attainment of twenty-one years of age, if the 25568
child was committed pursuant to section 2152.16 of the Revised 25569
Code; 25570

(2) Until the child's attainment of twenty-one years of age, 25571
if the child was committed for aggravated murder or murder 25572

pursuant to section 2152.16 of the Revised Code; 25573

(3) For a period of commitment that shall be in addition to, 25574
and shall be served consecutively with and prior to, a period of 25575
commitment described in division (A)(1) or (2) of this section, if 25576
the child was committed pursuant to section 2152.17 of the Revised 25577
Code; 25578

(4) If the child is ten or eleven years of age, to an 25579
institution, a residential care facility, a residential facility, 25580
or a facility licensed by the department of job and family 25581
services that the department of youth services considers best 25582
designated for the training and rehabilitation of the child and 25583
protection of the public. The child shall be housed separately 25584
from children who are twelve years of age or older until the child 25585
is released or discharged or until the child attains twelve years 25586
of age, whichever occurs first. Upon the child's attainment of 25587
twelve years of age, if the child has not been released or 25588
discharged, the department is not required to house the child 25589
separately. 25590

(B)(1) Except as otherwise provided in section 5139.54 of the 25591
Revised Code, the release authority of the department of youth 25592
services, in accordance with section 5139.51 of the Revised Code 25593
and at any time after the end of the minimum period specified 25594
under division (A)(1) of section 2152.16 of the Revised Code, may 25595
grant the release from custody of any child committed to the 25596
department. 25597

The order committing a child to the department of youth 25598
services shall state that the child has been adjudicated a 25599
delinquent child and state the minimum period. The jurisdiction of 25600
the court terminates at the end of the minimum period except as 25601
follows: 25602

(a) In relation to judicial release procedures, supervision, 25603

and violations; 25604

(b) With respect to functions of the court related to the 25605
revocation of supervised release that are specified in sections 25606
5139.51 and 5139.52 of the Revised Code; 25607

(c) In relation to its duties relating to serious youthful 25608
offender dispositional sentences under sections 2152.13 and 25609
2152.14 of the Revised Code. 25610

(2) When a child has been committed to the department under 25611
section 2152.16 of the Revised Code, the department shall retain 25612
legal custody of the child until one of the following: 25613

(a) The department discharges the child to the exclusive 25614
management, control, and custody of the child's parent or the 25615
guardian of the child's person or, if the child is eighteen years 25616
of age or older, discharges the child. 25617

(b) The committing court, upon its own motion, upon petition 25618
of the parent, guardian of the person, or next friend of a child, 25619
or upon petition of the department, terminates the department's 25620
legal custody of the child. 25621

(c) The committing court grants the child a judicial release 25622
to court supervision under section 2152.22 of the Revised Code. 25623

(d) The department's legal custody of the child is terminated 25624
automatically by the child attaining twenty-one years of age. 25625

(e) If the child is subject to a serious youthful offender 25626
dispositional sentence, the adult portion of that dispositional 25627
sentence is imposed under section 2152.14 of the Revised Code. 25628

(C) When a child is committed to the department of youth 25629
services, the department may assign the child to a hospital for 25630
mental, physical, and other examination, inquiry, or treatment for 25631
the period of time that is necessary. The department may remove 25632
any child in its custody to a hospital for observation, and a 25633

complete report of every observation at the hospital shall be made 25634
in writing and shall include a record of observation, treatment, 25635
and medical history and a recommendation for future treatment, 25636
custody, and maintenance. The department shall thereupon order the 25637
placement and treatment that it determines to be most conducive to 25638
the purposes of Chapters 2151. and 5139. of the Revised Code. The 25639
committing court and all public authorities shall make available 25640
to the department all pertinent data in their possession with 25641
respect to the case. 25642

(D) Records maintained by the department of youth services 25643
pertaining to the children in its custody shall be accessible only 25644
to department employees, except by consent of the department, upon 25645
the order of the judge of a court of record, or as provided in 25646
divisions (D)(1) and (2) of this section. These records shall not 25647
be considered "public records," as defined in section 149.43 of 25648
the Revised Code. 25649

(1) Except as otherwise provided by a law of this state or 25650
the United States, the department of youth services may release 25651
records that are maintained by the department of youth services 25652
and that pertain to children in its custody to the department of 25653
rehabilitation and correction regarding persons who are under the 25654
jurisdiction of the department of rehabilitation and correction 25655
and who have previously been committed to the department of youth 25656
services. The department of rehabilitation and correction may use 25657
those records for the limited purpose of carrying out the duties 25658
of the department of rehabilitation and correction. Records 25659
released by the department of youth services to the department of 25660
rehabilitation and correction shall remain confidential and shall 25661
not be considered public records as defined in section 149.43 of 25662
the Revised Code. 25663

(2) The department of youth services shall provide to the 25664
superintendent of the school district in which a child discharged 25665

or released from the custody of the department is entitled to 25666
attend school under section 3313.64 or 3313.65 of the Revised Code 25667
the records described in divisions (D)(4)(a) to (d) of section 25668
2152.18 of the Revised Code. Subject to the provisions of section 25669
3319.321 of the Revised Code and the Family Educational Rights and 25670
Privacy Act, 20 U.S.C. 1232g, as amended, the records released to 25671
the superintendent shall remain confidential and shall not be 25672
considered public records as defined in section 149.43 of the 25673
Revised Code. 25674

(E)(1) When a child is committed to the department of youth 25675
services, the department, orally or in writing, shall notify the 25676
parent, guardian, or custodian of a child that the parent, 25677
guardian, or custodian may request at any time from the 25678
superintendent of the institution in which the child is located 25679
any of the information described in divisions (E)(1)(a), (b), (c), 25680
and (d) of this section. The parent, guardian, or custodian may 25681
provide the department with the name, address, and telephone 25682
number of the parent, guardian, or custodian, and, until the 25683
department is notified of a change of name, address, or telephone 25684
number, the department shall use the name, address, and telephone 25685
number provided by the parent, guardian, or custodian to provide 25686
notices or answer inquiries concerning the following information: 25687

(a) When the department of youth services makes a permanent 25688
assignment of the child to a facility, the department, orally or 25689
in writing and on or before the third business day after the day 25690
the permanent assignment is made, shall notify the parent, 25691
guardian, or custodian of the child of the name of the facility to 25692
which the child has been permanently assigned. 25693

If a parent, guardian, or custodian of a child who is 25694
committed to the department of youth services requests, orally or 25695
in writing, the department to provide the parent, guardian, or 25696
custodian with the name of the facility in which the child is 25697

currently located, the department, orally or in writing and on or 25698
before the next business day after the day on which the request is 25699
made, shall provide the name of that facility to the parent, 25700
guardian, or custodian. 25701

(b) If a parent, guardian, or custodian of a child who is 25702
committed to the department of youth services, orally or in 25703
writing, asks the superintendent of the institution in which the 25704
child is located whether the child is being disciplined by the 25705
personnel of the institution, what disciplinary measure the 25706
personnel of the institution are using for the child, or why the 25707
child is being disciplined, the superintendent or the 25708
superintendent's designee, on or before the next business day 25709
after the day on which the request is made, shall provide the 25710
parent, guardian, or custodian with written or oral responses to 25711
the questions. 25712

(c) If a parent, guardian, or custodian of a child who is 25713
committed to the department of youth services, orally or in 25714
writing, asks the superintendent of the institution in which the 25715
child is held whether the child is receiving any medication from 25716
personnel of the institution, what type of medication the child is 25717
receiving, or what condition of the child the medication is 25718
intended to treat, the superintendent or the superintendent's 25719
designee, on or before the next business day after the day on 25720
which the request is made, shall provide the parent, guardian, or 25721
custodian with oral or written responses to the questions. 25722

(d) When a major incident occurs with respect to a child who 25723
is committed to the department of youth services, the department, 25724
as soon as reasonably possible after the major incident occurs, 25725
shall notify the parent, guardian, or custodian of the child that 25726
a major incident has occurred with respect to the child and of all 25727
the details of that incident that the department has ascertained. 25728

(2) The failure of the department of youth services to 25729

provide any notification required by or answer any requests made 25730
pursuant to division (E) of this section does not create a cause 25731
of action against the state. 25732

(F) The department of youth services, as a means of 25733
punishment while the child is in its custody, shall not prohibit a 25734
child who is committed to the department from seeing that child's 25735
parent, guardian, or custodian during standard visitation periods 25736
allowed by the department of youth services unless the 25737
superintendent of the institution in which the child is held 25738
determines that permitting that child to visit with the child's 25739
parent, guardian, or custodian would create a safety risk to that 25740
child, that child's parents, guardian, or custodian, the personnel 25741
of the institution, or other children held in that institution. 25742

(G) As used in this section: 25743

(1) "Permanent assignment" means the assignment or transfer 25744
for an extended period of time of a child who is committed to the 25745
department of youth services to a facility in which the child will 25746
receive training or participate in activities that are directed 25747
toward the child's successful rehabilitation. "Permanent 25748
assignment" does not include the transfer of a child to a facility 25749
for judicial release hearings pursuant to section 2152.22 of the 25750
Revised Code or for any other temporary assignment or transfer to 25751
a facility. 25752

(2) "Major incident" means the escape or attempted escape of 25753
a child who has been committed to the department of youth services 25754
from the facility to which the child is assigned; the return to 25755
the custody of the department of a child who has escaped or 25756
otherwise fled the custody and control of the department without 25757
authorization; the allegation of any sexual activity with a child 25758
committed to the department; physical injury to a child committed 25759
to the department as a result of alleged abuse by department 25760
staff; an accident resulting in injury to a child committed to the 25761

department that requires medical care or treatment outside the 25762
institution in which the child is located; the discovery of a 25763
controlled substance upon the person or in the property of a child 25764
committed to the department; a suicide attempt by a child 25765
committed to the department; a suicide attempt by a child 25766
committed to the department that results in injury to the child 25767
requiring emergency medical services outside the institution in 25768
which the child is located; the death of a child committed to the 25769
department; an injury to a visitor at an institution under the 25770
control of the department that is caused by a child committed to 25771
the department; and the commission or suspected commission of an 25772
act by a child committed to the department that would be an 25773
offense if committed by an adult. 25774

(3) "Sexual activity" has the same meaning as in section 25775
2907.01 of the Revised Code. 25776

(4) "Controlled substance" has the same meaning as in section 25777
3719.01 of the Revised Code. 25778

(5) "Residential care facility" and "residential facility" 25779
have the same meanings as in section 2151.011 of the Revised Code. 25780

Sec. 5139.12. Any person who is required, pursuant to 25781
division (A) of section 2151.421 of the Revised Code, to report 25782
the person's knowledge of or reasonable cause to suspect abuse or 25783
neglect or threat of abuse or neglect of a child under eighteen 25784
years of age or a mentally retarded, developmentally disabled, or 25785
physically impaired child under twenty-one years of age or any 25786
person who is permitted, pursuant to division (B) of that section, 25787
to report, or cause such a report to be made and who makes or 25788
causes the report to be made, shall direct that report to the 25789
state highway patrol if the child is a delinquent child in the 25790
custody of an institution. If the state highway patrol determines 25791
after receipt of the report that there is probable cause that 25792

abuse or neglect or threat of abuse or neglect of the delinquent 25793
child occurred, the highway patrol shall report its findings to 25794
the department of youth services, to the court that ordered the 25795
disposition of the delinquent child for the act that would have 25796
been an offense if committed by an adult and for which the 25797
delinquent child is in the custody of the department, to the 25798
public children services agency in the county in which the child 25799
resides or in which the abuse or neglect or threat of abuse or 25800
neglect occurred, and to the chairperson and vice-chairperson of 25801
the correctional institution inspection committee established by 25802
section 103.71 of the Revised Code. 25803

Sec. 5139.34. (A) Funds may be appropriated to the department 25804
of youth services for the purpose of granting state subsidies to 25805
counties. A county or the juvenile court that serves a county 25806
shall use state subsidies granted to the county pursuant to this 25807
section only in accordance with divisions (B)(2)(a) and (3)(a) of 25808
section 5139.43 of the Revised Code and the rules pertaining to 25809
the state subsidy funds that the department adopts pursuant to 25810
division (D) of section 5139.04 of the Revised Code. The 25811
department shall not grant financial assistance pursuant to this 25812
section for the provision of care and services for children in a 25813
placement facility unless the facility has been certified, 25814
licensed, or approved by a state or national agency with 25815
certification, licensure, or approval authority, including, but 25816
not limited to, the department of job and family services, 25817
department of education, department of mental health and addiction 25818
services, department of developmental disabilities, or American 25819
correctional association. For the purposes of this section, 25820
placement facilities do not include a state institution or a 25821
county or district children's home. 25822

The department also shall not grant financial assistance 25823

pursuant to this section for the provision of care and services 25824
for children, including, but not limited to, care and services in 25825
a detention facility, in another facility, or in out-of-home 25826
placement, unless the minimum standards applicable to the care and 25827
services that the department prescribes in rules adopted pursuant 25828
to division (D) of section 5139.04 of the Revised Code have been 25829
satisfied. 25830

(B) The department of youth services shall apply the 25831
following formula to determine the amount of the annual grant that 25832
each county is to receive pursuant to division (A) of this 25833
section, subject to the appropriation for this purpose to the 25834
department made by the general assembly: 25835

(1) Each county shall receive a basic annual grant of fifty 25836
thousand dollars. 25837

(2) The sum of the basic annual grants provided under 25838
division (B)(1) of this section shall be subtracted from the total 25839
amount of funds appropriated to the department of youth services 25840
for the purpose of making grants pursuant to division (A) of this 25841
section to determine the remaining portion of the funds 25842
appropriated. The remaining portion of the funds appropriated 25843
shall be distributed on a per capita basis to each county that has 25844
a population of more than twenty-five thousand for that portion of 25845
the population of the county that exceeds twenty-five thousand. 25846

(C)(1) Prior to a county's receipt of an annual grant 25847
pursuant to this section, the juvenile court that serves the 25848
county shall prepare, submit, and file in accordance with division 25849
(B)(3)(a) of section 5139.43 of the Revised Code an annual grant 25850
agreement and application for funding that is for the combined 25851
purposes of, and that satisfies the requirements of, this section 25852
and section 5139.43 of the Revised Code. In addition to the 25853
subject matters described in division (B)(3)(a) of section 5139.43 25854
of the Revised Code or in the rules that the department adopts to 25855

implement that division, the annual grant agreement and 25856
application for funding shall address fiscal accountability and 25857
performance matters pertaining to the programs, care, and services 25858
that are specified in the agreement and application and for which 25859
state subsidy funds granted pursuant to this section will be used. 25860

(2) The county treasurer of each county that receives an 25861
annual grant pursuant to this section shall deposit the state 25862
subsidy funds so received into the county's felony delinquent care 25863
and custody fund created pursuant to division (B)(1) of section 25864
5139.43 of the Revised Code. Subject to exceptions prescribed in 25865
section 5139.43 of the Revised Code that may apply to the 25866
disbursement, the department shall disburse the state subsidy 25867
funds to which a county is entitled in a lump sum payment that 25868
shall be made in July of each calendar year. 25869

(3) Upon an order of the juvenile court that serves a county 25870
and subject to appropriation by the board of county commissioners 25871
of that county, a county treasurer shall disburse from the 25872
county's felony delinquent care and custody fund the state subsidy 25873
funds granted to the county pursuant to this section for use only 25874
in accordance with this section, the applicable provisions of 25875
section 5139.43 of the Revised Code, and the county's approved 25876
annual grant agreement and application for funding. 25877

(4) The moneys in a county's felony delinquent care and 25878
custody fund that represent state subsidy funds granted pursuant 25879
to this section are subject to appropriation by the board of 25880
county commissioners of the county; shall be disbursed by the 25881
county treasurer as required by division (C)(3) of this section; 25882
shall be used in the manners referred to in division (C)(3) of 25883
this section; shall not revert to the county general fund at the 25884
end of any fiscal year; shall carry over in the felony delinquent 25885
care and custody fund from the end of any fiscal year to the next 25886
fiscal year; shall be in addition to, and shall not be used to 25887

reduce, any usual annual increase in county funding that the 25888
juvenile court is eligible to receive or the current level of 25889
county funding of the juvenile court and of any programs, care, or 25890
services for alleged or adjudicated delinquent children, unruly 25891
children, or juvenile traffic offenders or for children who are at 25892
risk of becoming delinquent children, unruly children, or juvenile 25893
traffic offenders; and shall not be used to pay for the care and 25894
custody of felony delinquents who are in the care and custody of 25895
an institution pursuant to a commitment, recommitment, or 25896
revocation of a release on parole by the juvenile court of that 25897
county or who are in the care and custody of a community 25898
corrections facility pursuant to a placement by the department 25899
~~with the consent of the juvenile court~~ as described in division 25900
(E) of section 5139.36 of the Revised Code. 25901

(5) As a condition of the continued receipt of state subsidy 25902
funds pursuant to this section, each county and the juvenile court 25903
that serves each county that receives an annual grant pursuant to 25904
this section shall comply with divisions (B)(3)(b), (c), and (d) 25905
of section 5139.43 of the Revised Code. 25906

Sec. 5139.36. (A) In accordance with this section and the 25907
rules adopted under it and from funds appropriated to the 25908
department of youth services for the purposes of this section, the 25909
department shall make grants that provide financial resources to 25910
operate community corrections facilities for felony delinquents. 25911

(B)(1) Each community corrections facility that intends to 25912
seek a grant under this section shall file an application with the 25913
department of youth services at the time and in accordance with 25914
the procedures that the department shall establish by rules 25915
adopted in accordance with Chapter 119. of the Revised Code. In 25916
addition to other items required to be included in the 25917
application, a plan that satisfies both of the following shall be 25918

included:	25919
(a) It reduces the number of felony delinquents committed to the department from the county or counties associated with the community corrections facility.	25920 25921 25922
(b) It ensures equal access for minority felony delinquents to the programs and services for which a potential grant would be used.	25923 25924 25925
(2) The department of youth services shall review each application submitted pursuant to division (B)(1) of this section to determine whether the plan described in that division, the community corrections facility, and the application comply with this section and the rules adopted under it.	25926 25927 25928 25929 25930
(C) To be eligible for a grant under this section and for continued receipt of moneys comprising a grant under this section, a community corrections facility shall satisfy at least all of the following requirements:	25931 25932 25933 25934
(1) Be constructed, reconstructed, or improved, and be financed by the treasurer of state pursuant to section 307.021 of the Revised Code and Chapter 154. of the Revised Code, for the use of the department of youth services and be designated as a community corrections facility;	25935 25936 25937 25938 25939
(2) Have written standardized criteria governing the types of felony delinquents that are eligible for the programs and services provided by the facility;	25940 25941 25942
(3) Have a written standardized intake screening process and an intake committee that at least performs both of the following tasks:	25943 25944 25945
(a) Screens all eligible felony delinquents who are being considered for admission to the facility in lieu of commitment to the department;	25946 25947 25948

(b) Notifies, within ten days after the date of the referral of a felony delinquent to the facility, the committing court whether the felony delinquent will be admitted to the facility.

(4) Comply with all applicable fiscal and program rules that the department adopts in accordance with Chapter 119. of the Revised Code and demonstrate that felony delinquents served by the facility have been or will be diverted from a commitment to the department.

(D) The department of youth services shall determine the method of distribution of the funds appropriated for grants under this section to community corrections facilities.

(E)(1) The department of youth services shall adopt rules in accordance with Chapter 119. of the Revised Code to establish the minimum occupancy threshold of community corrections facilities.

(2) A child in the custody of the department of youth services may be placed in a community corrections facility in accordance with either division (E)(2)(a) or (b) of this section. A child placed in a community corrections facility pursuant to either division shall remain in the legal custody of the department of youth services during the period in which the child is in the community corrections facility. The department shall charge bed days to the county in accordance with sections 5139.41 to 5139.43 of the Revised Code.

(a) The department may make referrals for the placement of children in its custody to a community corrections facility. At least forty-five days prior to the referral of a child or within any shorter period prior to the referral of the child that the committing court may allow, the department shall notify the committing court of its intent to place the child in a community corrections facility. The court shall have thirty days after the receipt of the notice to approve or disapprove the placement. If

the court does not respond to the notice of the placement within 25980
that thirty-day period, the department shall proceed with the 25981
placement and ~~debit the county in accordance with sections 5139.41~~ 25982
~~to 5139.43 of the Revised Code. A child placed in a community~~ 25983
~~corrections facility pursuant to this division shall remain in the~~ 25984
~~legal custody of the department of youth services during the~~ 25985
~~period in which the child is in the community corrections~~ 25986
~~facility.~~ 25987

(b) The department may, with the consent of the juvenile 25988
court with jurisdiction over the Montgomery county center for 25989
adolescent services, establish a single unit within the community 25990
corrections facility for female felony delinquents committed to 25991
the department's custody. If the unit is established under this 25992
division, the department may place a female felony delinquent 25993
committed to the department's custody into the unit in the 25994
community corrections facility. 25995

(3) Counties that are not associated with a community 25996
corrections facility may refer children to a community corrections 25997
facility with the consent of the facility. The department of youth 25998
services shall debit the county that makes the referral in 25999
accordance with sections 5139.41 to 5139.43 of the Revised Code. 26000

(F) The board or other governing body of a community 26001
corrections facility shall meet not less often than once per 26002
quarter. A community corrections facility may reimburse the 26003
members of the board or other governing body of the facility and 26004
the members of an advisory board created by the board or other 26005
governing body of the facility for their actual and necessary 26006
expenses incurred in the performance of their official duties. The 26007
members of the board or other governing body of the facility and 26008
the members of an advisory board created by the board or other 26009
governing body of the facility shall serve without compensation. 26010

Sec. 5139.41. The appropriation made to the department of 26011
youth services for care and custody of felony delinquents shall be 26012
expended in accordance with the following procedure that the 26013
department shall use for each year of a biennium. The procedure 26014
shall be consistent with sections 5139.41 to 5139.43 of the 26015
Revised Code and shall be developed in accordance with the 26016
following guidelines: 26017

(A) The line item appropriation for the care and custody of 26018
felony delinquents shall provide funding for operational costs for 26019
the following: 26020

(1) Institutions and the diagnosis, care, or treatment of 26021
felony delinquents at facilities pursuant to contracts entered 26022
into under section 5139.08 of the Revised Code; 26023

(2) Community corrections facilities constructed, 26024
reconstructed, improved, or financed as described in section 26025
5139.36 of the Revised Code for the purpose of providing 26026
alternative placement and services for felony delinquents who have 26027
been diverted from care and custody in institutions; 26028

(3) County juvenile courts that administer programs and 26029
services for prevention, early intervention, diversion, treatment, 26030
and rehabilitation services and programs that are provided for 26031
alleged or adjudicated unruly or delinquent children or for 26032
children who are at risk of becoming unruly or delinquent 26033
children; 26034

(4) Administrative expenses the department incurs in 26035
connection with the felony delinquent care and custody programs 26036
described in section 5139.43 of the Revised Code. 26037

(B) From the appropriated line item for the care and custody 26038
of felony delinquents, the department, with the advice of the 26039
RECLAIM advisory committee established under section 5139.44 of 26040

the Revised Code, shall allocate annual operational funds for 26041
county juvenile programs, institutional care and custody, 26042
community corrections facilities care and custody, and 26043
administrative expenses incurred by the department associated with 26044
felony delinquent care and custody programs. The department, with 26045
the advice of the RECLAIM advisory committee, shall adjust these 26046
allocations, when modifications to this line item are made by 26047
legislative or executive action. 26048

(C) The department shall divide county juvenile program 26049
allocations among county juvenile courts that administer programs 26050
and services for prevention, early intervention, diversion, 26051
treatment, and rehabilitation that are provided for alleged or 26052
adjudicated unruly or delinquent children or for children who are 26053
at risk of becoming unruly or delinquent children. The department 26054
shall base funding on the county's previous year's ratio of the 26055
department's institutional and community ~~correctional~~ corrections 26056
facilities commitments to that county's average of felony 26057
adjudications, as specified in the following formula: 26058

(1) The department shall give to each county a proportional 26059
allocation of commitment credits. The proportional allocation of 26060
commitment credits shall be calculated by the following 26061
procedures: 26062

(a) The department shall determine for each county and for 26063
the state an average of felony adjudications. Beginning July 1, 26064
2012, the average shall include felony adjudications for fiscal 26065
year 2007 and for each subsequent fiscal year through fiscal year 26066
2016. Beginning July 1, 2017, the most recent felony adjudication 26067
data shall be included and the oldest fiscal year data shall be 26068
removed so that a ten-year average of felony adjudication data 26069
will be maintained. 26070

(b) The department shall determine for each county and for 26071
the state the number of charged bed days, for both the department 26072

and community ~~correctional~~ corrections facilities, from the 26073
previous year. 26074

(c) The department shall divide the statewide total number of 26075
charged bed days by the statewide total number of felony 26076
adjudications, which quotient shall then be multiplied by a factor 26077
determined by the department. 26078

(d) The department shall calculate the county's allocation of 26079
credits by multiplying the number of adjudications for each court 26080
by the result determined pursuant to division (C)(1)(c) of this 26081
section. 26082

(2) The department shall subtract from the allocation 26083
determined pursuant to division (C)(1) of this section a credit 26084
for every chargeable bed day while a youth ~~stays~~ is in a 26085
~~department institution~~ the department's custody and two-thirds of 26086
credit for every chargeable bed day a youth stays in a community 26087
~~correctional~~ corrections facility, except for public safety beds. 26088
At the end of the year, the department shall divide the amount of 26089
remaining credits of that county's allocation by the total number 26090
of remaining credits to all counties, to determine the county's 26091
percentage, which shall then be applied to the total county 26092
allocation to determine the county's payment for the fiscal year. 26093

(3) The department shall pay counties three times during the 26094
fiscal year to allow for credit reporting and audit adjustments, 26095
and modifications to the appropriated line item for the care and 26096
custody of felony delinquents, as described in this section. The 26097
department shall pay fifty per cent of the payment by the 26098
fifteenth of July of each fiscal year, twenty-five per cent by the 26099
fifteenth of January of that fiscal year, and twenty-five per cent 26100
of the payment by the fifteenth of June of that fiscal year. 26101

Sec. 5139.45. (A) As used in this section: 26102

(1) "Institution" means a state facility that is created by 26103
the general assembly and that is under the management and control 26104
of the department of youth services or a private entity with which 26105
the department has contracted for the institutional care and 26106
custody of felony delinquents. 26107

(2) "Quality assurance program" means a comprehensive program 26108
within the department of youth services to systematically review 26109
and improve the quality of programming, operations, education, 26110
medical and mental health services within the department and the 26111
department's institutions, the safety and security of persons 26112
receiving care and services within the department and the 26113
department's institutions, and the efficiency and effectiveness of 26114
the utilization of staff and resources in the delivery of services 26115
within the department and the department's institutions. 26116

(3) "Quality assurance program activities" means the 26117
activities of the institution and the office of quality assurance 26118
and improvement, of persons who provide, collect, or compile 26119
information and reports required by the office of quality 26120
assurance and improvement, and of persons who receive, review, or 26121
implement the recommendations made by the office of quality 26122
assurance and improvement. "Quality assurance program activities" 26123
include credentialing, infection control, utilization review 26124
including access to patient care, patient care assessments, 26125
medical and mental health records, medical and mental health 26126
resource management, mortality and morbidity review, and 26127
identification and prevention of medical or mental health 26128
incidents and risks, whether performed by the office of quality 26129
assurance and improvement or by persons who are directed by the 26130
office of quality assurance and improvement. 26131

(4) "Quality assurance record" means the proceedings, 26132
records, minutes, and reports that result from quality assurance 26133
program activities. "Quality assurance record" does not include 26134

aggregate statistical information that does not disclose the 26135
identity of persons receiving or providing services in 26136
institutions. 26137

(B) The office of quality assurance and improvement is hereby 26138
created as an office in the department of youth services. The 26139
director of youth services shall appoint a managing officer to 26140
carry out quality assurance program activities. 26141

(C)(1) Except as otherwise provided in division (F) of this 26142
section, quality assurance records are confidential and are not 26143
public records under section 149.43 of the Revised Code and shall 26144
be used only in the course of the proper functions of a quality 26145
assurance program. 26146

(2) Except as provided in division (F) of this section, no 26147
person who possesses or has access to quality assurance records 26148
and who knows that the records are quality assurance records shall 26149
willfully disclose the contents of the records to any person or 26150
entity. 26151

(D)(1) Except as otherwise provided in division (F) of this 26152
section, a quality assurance record is not subject to discovery 26153
and is not admissible as evidence in any judicial or 26154
administrative proceeding. 26155

(2) Except as provided in division (F) of this section, no 26156
employee of the office of quality assurance and improvement or a 26157
person who is performing a function that is part of a quality 26158
assurance program shall be permitted or required to testify in a 26159
judicial or administrative proceeding with respect to a quality 26160
assurance record or with respect to any finding, recommendation, 26161
evaluation, opinion, or other action taken by the office or 26162
program or by the person within the scope of the quality assurance 26163
program. 26164

(3) Information, documents, or records otherwise available 26165

from original sources shall not be unavailable for discovery or 26166
inadmissible as evidence in a judicial or administrative 26167
proceeding under division (D)(1) of this section merely because 26168
they were presented to the office of quality assurance and 26169
improvement. No person who is an employee of the office of quality 26170
assurance and improvement shall be prohibited from testifying as 26171
to matters within the person's knowledge, but the person shall not 26172
be asked about an opinion formed by the person as a result of the 26173
person's quality assurance program activities. 26174

(E)(1) A person who, without malice and in the reasonable 26175
belief that the information is warranted by the facts known to the 26176
person, provides information to a person engaged in quality 26177
assurance program activities is not liable for damages in a civil 26178
action for injury, death, or loss to person or property as a 26179
result of providing the information. 26180

(2) An employee of the office of quality assurance and 26181
improvement, a person engaged in quality assurance program 26182
activities, or an employee of the department of youth services 26183
shall not be liable in damages in a civil action for injury, 26184
death, or loss to person or property for any acts, omissions, 26185
decisions, or other conduct within the scope of the functions of 26186
the quality assurance program. 26187

(3) Nothing in this section shall relieve any institution 26188
from liability arising from the treatment of a patient. 26189

(F) Quality assurance records may be disclosed, and testimony 26190
may be provided concerning quality assurance records, only to the 26191
following persons or entities or under the following 26192
circumstances: 26193

(1) Persons who are employed or retained by the department of 26194
youth services and who have the authority to evaluate or implement 26195
the recommendations of an institution or the office of quality 26196

assurance and improvement; 26197

(2) Public or private agencies or organizations if needed to 26198
perform a licensing or accreditation function related to 26199
institutions or to perform monitoring of institutions as required 26200
by law; 26201

(3) A governmental board or agency, a professional health 26202
care society or organization, or a professional standards review 26203
organization, if the records or testimony are needed to perform 26204
licensing, credentialing, or monitoring of professional standards 26205
with respect to medical or mental health professionals employed or 26206
retained by the department; 26207

(4) A criminal or civil law enforcement agency or public 26208
health agency charged by law with the protection of public health 26209
or safety, if a qualified representative of the agency makes a 26210
written request stating that the records or testimony are 26211
necessary for a purpose authorized by law; 26212

(5) In a judicial or administrative proceeding commenced by 26213
an entity described in division (F)(3) or (4) of this section for 26214
a purpose described in that division but only with respect to the 26215
subject of the proceedings. 26216

(G) A disclosure of quality assurance records pursuant to 26217
division (F) of this section does not otherwise waive the 26218
confidential and privileged status of the disclosed quality 26219
assurance records. The names and other identifying information 26220
regarding individual patients or employees of the office of 26221
quality assurance and improvement contained in a quality assurance 26222
record shall be redacted from the record prior to the disclosure 26223
of the record unless the identity of an individual is necessary 26224
for the purpose for which the disclosure is being made and does 26225
not constitute a clearly unwarranted invasion of personal privacy. 26226

Sec. 5153.21. The board of county commissioners may establish a children's home upon the recommendation of the public children services agency and subject to certification by the department of job and family services under section 5103.03 of the Revised Code and the requirements of sections 5103.05 and 5103.051 of the Revised Code.

Sec. 5153.42. District children's homes shall be established, operated, maintained, and managed in the same manner so far as applicable as county children's homes and shall be subject to the requirements of sections 5103.05 and 5103.051 of the Revised Code.

Sec. 5155.28. (A) As used in this section:

(1) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code.

(2) "PASRR" means the preadmission screening and annual resident review of individuals with mental illnesses and intellectual disabilities required by the "Social Security Act," 42 U.S.C. 1396r(e)(7).

(B) A county home or district home that is a nursing facility may provide sub-acute detoxification services to residents who have been determined by PASRR to be addicted to opioids. The sub-acute detoxification services shall include monitoring of such residents twenty-four hours a day by health care professionals.

Sec. 5165.03. (A) As used in this section:

(1) "Dementia" includes Alzheimer's disease or a related disorder.

(2) "Serious mental illness" means "serious mental illness," as defined by the United States department of health and human

services in regulations adopted under the "Social Security Act," 26255
section 1919(e)(7)(G)(i), 42 U.S.C. 1396r(e)(7)(G)(i). 26256

(3) "Mentally ill individual" means an individual who has a 26257
serious mental illness other than either of the following: 26258

(a) A primary diagnosis of dementia; 26259

(b) A primary diagnosis that is not a primary diagnosis of 26260
dementia and a primary diagnosis of something other than a serious 26261
mental illness. 26262

(4) "Mentally retarded individual" means an individual who is 26263
mentally retarded or has a related condition, as described in the 26264
"Social Security Act," section 1905(d), 42 U.S.C. 1396d(d). 26265

(5) "Specialized services" means the services specified by 26266
the United States department of health and human services in 26267
regulations adopted under the "Social Security Act," section 26268
1919(e)(7)(G)(iii), 42 U.S.C. 1396r(e)(7)(G)(iii). 26269

(B)(1) Except as provided in division (D) of this section, no 26270
nursing facility shall admit as a resident any mentally ill 26271
individual unless the facility has received evidence that the 26272
department of mental health and addiction services has determined 26273
both of the following under section 5119.40 of the Revised Code: 26274

(a) That the individual requires the level of services 26275
provided by a nursing facility because of the individual's 26276
physical and mental condition; 26277

(b) Whether the individual requires specialized services for 26278
mental illness. 26279

(2) Except as provided in division (D) of this section, no 26280
nursing facility shall admit as a resident any mentally retarded 26281
individual unless the facility has received evidence that the 26282
department of developmental disabilities has determined both of 26283
the following under section 5123.021 of the Revised Code: 26284

(a) That the individual requires the level of services provided by a nursing facility because of the individual's physical and mental condition;	26285 26286 26287
(b) Whether the individual requires specialized services for mental retardation.	26288 26289
(C) The department of medicaid shall not make medicaid payments to a nursing facility on behalf of any individual who is admitted to the facility in violation of division (B) of this section for the period beginning on the date of admission and ending on the date the requirements of division (B) of this section are met.	26290 26291 26292 26293 26294 26295
(D) A determination under division (B) of this section is not required for any individual who is exempted from the requirement that a determination be made by division <u>any of the following:</u>	26296 26297 26298
<u>(1) Division (B)(2) of section 5119.40 of the Revised Code or rules;</u>	26299 26300
<u>(2) Rules</u> adopted by the department of mental health and addiction services under division (E)(3) of that section, or by <u>division 5119.40 of the Revised Code;</u>	26301 26302 26303
<u>(3) Division (A)(1) of section 5119.401 of the Revised Code;</u>	26304
<u>(4) Division (B)(2) of section 5123.021 of the Revised Code or rules;</u>	26305 26306
<u>(5) Rules</u> adopted by the department of developmental disabilities under division (E)(3) of that section <u>5123.021 of the Revised Code.</u>	26307 26308 26309
Sec. 5165.031. An individual who applies for admission to or resides in a nursing facility may appeal if adversely affected by a determination made by the department of mental health and addiction services under section 5119.40 of the Revised Code, <u>by a case manager under section 5119.401 of the Revised Code,</u> or by the	26310 26311 26312 26313 26314

department of developmental disabilities under section 5123.021 of 26315
the Revised Code. If the individual is an applicant for or 26316
recipient of medicaid, the individual may appeal pursuant to 26317
section 5160.31 of the Revised Code. If the individual is not an 26318
applicant for or recipient of medicaid, the individual may appeal 26319
pursuant to a process the department of medicaid shall establish, 26320
which shall be similar to the appeals process established by 26321
section 5101.35 of the Revised Code. The department of medicaid 26322
shall provide notice of the right to appeal to individuals 26323
adversely affected by determinations made under sections 5119.40, 26324
5119.401, and 5123.021 of the Revised Code. Any decision made on 26325
the basis of such an appeal is binding on the department of mental 26326
health and addiction services and the department of developmental 26327
disabilities. 26328

Sec. 5165.10. (A) Except as provided in division ~~(D)~~(C) of 26329
this section, each nursing facility provider shall file with the 26330
department of medicaid an annual cost report for each of the 26331
provider's nursing facilities that participate in the medicaid 26332
program. The cost report for a year shall cover the calendar year 26333
or the portion of the calendar year during which the nursing 26334
facility participated in the medicaid program. Except as provided 26335
in division ~~(E)~~(D) of this section, the cost report is due not 26336
later than ninety days after the end of the calendar year, or 26337
portion of the calendar year, that the cost report covers. 26338

(B) If a nursing facility undergoes a change of provider that 26339
the department determines, in accordance with rules adopted under 26340
section 5165.02 of the Revised Code, is not an arm's length 26341
transaction, the new provider shall file the nursing facility's 26342
cost report in accordance with division (A) of this section and 26343
the cost report shall cover the portion of the calendar year 26344
during which the new provider operated the nursing facility and 26345
the portion of the calendar year during which the previous 26346

provider operated the nursing facility. 26347

~~(C) If the medicaid payment rate for a new nursing facility 26348
was most recently determined in accordance with section 5165.151 26349
of the Revised Code, the provider shall file with the department a 26350
cost report for the new nursing facility not later than, except as 26351
provided in division (E) of this section, ninety days after the 26352
end of the new nursing facility's first three full calendar months 26353
of operation. The cost report shall cover the period that begins 26354
with the nursing facility's first day of operation and ends on the 26355
first day of the month immediately following the first three full 26356
months of operation. 26357~~

~~(D) A nursing facility~~ The provider of a new nursing facility 26358
is not required to file a cost report ~~for a nursing facility for a~~ 26359
~~calendar year~~ in accordance with division (A) of this section for 26360
the first calendar year that the provider has a provider agreement 26361
for the nursing facility if the ~~provider files a cost report for~~ 26362
~~the nursing facility under division (C) of this section and that~~ 26363
~~cost report covers a period that begins~~ initial provider agreement 26364
goes into effect after the first day of October of that calendar 26365
year. The provider shall file a cost report for the nursing 26366
facility in accordance with division (A) of this section for the 26367
immediately following calendar year. 26368

~~(E)~~(D) The department may grant to a provider a fourteen-day 26369
extension to file a cost report under this section if the provider 26370
provides the department a written request for the extension and 26371
the department determines that there is good cause for the 26372
extension. 26373

Sec. 5165.106. If a nursing facility provider required by 26374
section 5165.10 of the Revised Code to file a cost report for the 26375
nursing facility fails to file the cost report by the date it is 26376
due or the date, if any, to which the due date is extended 26377

pursuant to division ~~(E)~~(D) of that section, or files an 26378
incomplete or inadequate report for the nursing facility under 26379
that section, the department of medicaid shall provide immediate 26380
written notice to the provider that the provider agreement for the 26381
nursing facility will be terminated in thirty days unless the 26382
provider submits a complete and adequate cost report for the 26383
nursing facility within thirty days. During the thirty-day 26384
termination period or any additional time allowed for an appeal of 26385
the proposed termination of a provider agreement, the provider 26386
shall be paid the nursing facility's then current per medicaid day 26387
payment rate, minus the dollar amount by which nursing facility's 26388
per medicaid day payment rates are reduced during fiscal year 2013 26389
in accordance with division (A)(2) of section 5111.26 of the 26390
Revised Code (renumbered as section 5165.10 of the Revised Code by 26391
H.B. 59 of the 130th general assembly) as that section existed on 26392
the day immediately preceding ~~the effective date of this section~~ 26393
September 29, 2013. On the first day of each July, the department 26394
shall adjust the amount of the reduction in effect during the 26395
previous twelve months to reflect the rate of inflation during the 26396
preceding twelve months, as shown in the consumer price index for 26397
all items for all urban consumers for the north central region, 26398
published by the United States bureau of labor statistics. 26399

Sec. 5165.15. (A) Except as otherwise provided by sections 26400
5165.151 to ~~5165.156~~ 5165.157 and 5165.34 of the Revised Code, the 26401
total per medicaid day payment rate that the department of 26402
medicaid shall pay a nursing facility provider for nursing 26403
facility services the provider's nursing facility provides during 26404
a fiscal year shall equal the sum of all of the following: 26405

(1) The per medicaid day payment rate for ancillary and 26406
support costs determined for the nursing facility under section 26407
5165.16 of the Revised Code; 26408

(2) The per medicaid day payment rate for capital costs 26409
determined for the nursing facility under section 5165.17 of the 26410
Revised Code; 26411

(3) The per medicaid day payment rate for direct care costs 26412
determined for the nursing facility under section 5165.19 of the 26413
Revised Code; 26414

(4) The per medicaid day payment rate for tax costs 26415
determined for the nursing facility under section 5165.21 of the 26416
Revised Code; 26417

(5) If the nursing facility qualifies as a critical access 26418
nursing facility, the nursing facility's critical access incentive 26419
payment paid under section 5165.23 of the Revised Code; 26420

(6) The quality incentive payment paid to the nursing 26421
facility under section 5165.25 of the Revised Code. 26422

(B) In addition to paying a nursing facility provider the 26423
nursing facility's total rate determined under division (A) of 26424
this section for a fiscal year, the department shall pay the 26425
provider a quality bonus under section 5165.26 of the Revised Code 26426
for that fiscal year if the provider's nursing facility is a 26427
qualifying nursing facility, as defined in that section, for that 26428
fiscal year. The quality bonus shall not be part of the total 26429
rate. 26430

~~Sec. 323.280 5165.157. ALTERNATIVE PURCHASING MODEL FOR 26431
NURSING FACILITY SERVICES 26432~~

~~As used in this section, "Medicaid waiver component" has the 26433
same meaning as in section 5166.01 of the Revised Code. 26434~~

~~The Medicaid Director (A) The medicaid director may 26435
establish, as a Medicaid waiver component, an alternative 26436
purchasing model for nursing facility services provided, during 26437
the period beginning July 1, 2013, and ending July 1, 2015, by 26438~~

~~designated discrete units of nursing facilities to Medicaid~~ 26439
~~medicaid recipients with specialized health care needs, including~~ 26440
~~recipients dependent on ventilators, recipients who have severe~~ 26441
~~traumatic brain injury, and recipients who would be admitted to~~ 26442
~~long term acute care hospitals or rehabilitation hospitals if they~~ 26443
~~did not receive nursing facility services. If established, the~~ 26444
alternative purchasing model is established, the director shall do 26445
all of the following with regard to the model: 26446

~~(A) Recognize a connection between enhanced Medicaid payment~~ 26447
~~rates and improved health outcomes capable of being measured;~~ 26448

~~(B) Include (1) Establish criteria for identifying Medicaid~~ 26449
~~that a discrete unit of a nursing facility must meet to be~~ 26450
~~designated as a unit that, under the alternative purchasing model,~~ 26451
~~may admit and provide nursing facility services to medicaid~~ 26452
recipients with specialized health care needs; 26453

~~(C) Include procedures for ensuring that Medicaid recipients~~ 26454
~~identified pursuant to division (B) of this section receive~~ 26455
~~nursing facility services under the alternative purchasing model~~ 26456
(2) Specify the health care conditions that medicaid recipients 26457
must have to have specialized health care needs, which may include 26458
dependency on a ventilator, severe traumatic brain injury, the 26459
need to be admitted to a long-term acute care hospital or 26460
rehabilitation hospital if not for nursing facility services, and 26461
other serious health care conditions; 26462

(3) For each fiscal year, set the total per medicaid day 26463
payment rate for nursing facility services provided under the 26464
alternative purchasing model at either of the following: 26465

(a) Sixty per cent of the statewide average of the total per 26466
medicaid day payment rate for long-term acute care hospital 26467
services as of the first day of the fiscal year; 26468

(b) Another amount determined in accordance with an 26469

alternative methodology that includes improved health outcomes as 26470
a factor in determining the payment rate; 26471

(4) Require, to the extent the director considers necessary, 26472
a medicaid recipient to obtain prior authorization for admission 26473
to a long-term acute care hospital or rehabilitation hospital as a 26474
condition of medicaid payment for long-term acute care hospital or 26475
rehabilitation hospital services. 26476

The (B) The criteria established under division (A)(1) of 26477
this section shall provide for a discrete unit of a nursing 26478
facility to be excluded from the alternative purchasing model if 26479
the unit is paid for nursing facility services in accordance with 26480
section 5165.153, 5165.154, or 5165.156 of the Revised Code. The 26481
criteria may require the provider of a nursing facility that has a 26482
discrete unit designated for participation in the alternative 26483
purchasing model to report health outcome measurement data to the 26484
department of medicaid. 26485

(C) A discrete unit of a nursing facility that provides 26486
nursing facility services to medicaid recipients with specialized 26487
health care needs under the alternative purchasing model shall be 26488
paid for those services in accordance with division (A)(3) of this 26489
section instead of the total per Medicaid medicaid day payment 26490
rate for nursing facility services provided under the alternative 26491
purchasing model may differ from the rate that would otherwise be 26492
paid pursuant to Chapter 5165. determined under section 5165.15, 26493
5165.153, 5165.154, or 5165.156 of the Revised Code. 26494

Sec. 5165.23. (A) Each fiscal year, the department of 26495
medicaid shall determine the critical access incentive payment for 26496
each nursing facility that qualifies as a critical access nursing 26497
facility. To qualify as a critical access nursing facility for a 26498
fiscal year, a nursing facility must meet all of the following 26499
requirements: 26500

(1) The nursing facility must be located in an area that, on December 31, 2011, was designated an empowerment zone under the "Internal Revenue Code of 1986," section 1391, 26 U.S.C. 1391.

(2) The nursing facility must have an occupancy rate of at least eighty-five per cent as of the last day of the calendar year immediately preceding the fiscal year.

(3) The nursing facility must have a medicaid utilization rate of at least sixty-five per cent as of the last day of the calendar year immediately preceding the fiscal year.

(4) The nursing facility must have been awarded at least five points for meeting accountability measures under section 5165.25 of the Revised Code for the fiscal year and at least one of the five points must have been awarded for meeting the following:

~~(a) For fiscal year 2014, the accountability measures identified in divisions (C)(10), (11), (12), and (13) of section 5165.25 of the Revised Code;~~

~~(b) For fiscal year 2015 and each fiscal year thereafter, the accountability measures identified in divisions ~~(D)~~(C)(9), (10), (11), (12), and (14) of section 5165.25 of the Revised Code.~~

(B) A critical access nursing facility's critical access incentive payment for a fiscal year shall equal five per cent of the portion of the nursing facility's total rate for the fiscal year that is the sum of the rates and payment identified in divisions (A)(1) to (4) and (6) of section 5165.15 of the Revised Code.

Sec. 5165.25. (A) As used in this section:

(1) "Complaint surveys" has the same meaning as in 42 C.F.R. 488.30.

(2) "Customer satisfaction survey" means the annual survey of long-term care facilities required by section 173.47 of the

Revised Code. 26531

(3) "Deficiency" has the same meaning as in 42 C.F.R. 26532
488.301. 26533

(4) "Exempted hospital discharge" has the same meaning as in 26534
42 C.F.R. 483.106(b)(2)(i). 26535

(5) "Family satisfaction survey" means a customer 26536
satisfaction survey, or part of a customer satisfaction survey, 26537
that contains the results of information obtained from the 26538
families of a nursing facility's residents. 26539

(6) "Minimum data set" means the standardized, uniform 26540
comprehensive assessment of nursing facility residents that is 26541
used to identify potential problems, strengths, and preferences of 26542
residents and is part of the resident assessment instrument 26543
required by the "Social Security Act," section 1919(e)(5), 42 26544
U.S.C. 1396r(e)(5). 26545

(7) "Nurse aide" has the same meaning as in section 3721.21 26546
of the Revised Code. 26547

(8) "Person-centered method of medication delivery" means a 26548
method of delivering medication to a nursing facility resident 26549
that allows flexibility in the time at which medication is 26550
administered to the resident to reflect the resident's 26551
preferences. "Person-centered method of medication delivery" may 26552
include utilization of a locked medication cabinet in a nursing 26553
facility resident's room. 26554

(9) "Resident satisfaction survey" means a customer 26555
satisfaction survey, or part of a customer satisfaction survey, 26556
that contains the results of information obtained from a nursing 26557
facility's residents. 26558

~~(9) "Room mirror" means a mirror that is located in either of 26559
the following rooms: 26560~~

~~(a) A resident bathroom if the sink used by a resident after
the resident uses the resident bathroom is in the resident
bathroom;~~ 26561
26562
26563

~~(b) A resident's room if the sink used by a resident after
the resident uses the resident bathroom is in the resident's room.~~ 26564
26565

~~(10) "Room sink" means a sink that is located in either of
the following rooms:~~ 26566
26567

~~(a) A resident bathroom if the sink used by a resident after
the resident uses the resident bathroom is in the resident
bathroom;~~ 26568
26569
26570

~~(b) A resident's room if the sink used by a resident after
the resident uses the resident bathroom is in the resident's room.~~ 26571
26572

~~(11)~~(10) "Standard survey" has the same meaning as in 42 26573
C.F.R. 488.301. 26574

~~(12)~~(11) "Special focus facility list" means the list of 26575
nursing facilities that the United States department of health and 26576
human services creates under the special focus facility program 26577
required by the "Social Security Act," section 1919(f)(10), 42 26578
U.S.C. 1396r(f)(10). 26579

~~(13)~~(12) "Substantial wall" means a permanent structure that 26580
reaches from floor to ceiling and divides a semiprivate room into 26581
two distinct living spaces, each with its own window. 26582

~~(14)~~(13) "Table B of the special focus facility list" means 26583
the table included in the special focus facility list that 26584
identifies nursing facilities that have not improved. 26585

(B)(1) Each fiscal year, the department of medicaid shall 26586
determine each nursing facility's quality incentive payment. 26587
Subject to ~~divisions~~ division (B)(2) ~~and (3)~~ of this section, the 26588
per medicaid day amount of a quality incentive payment paid to a 26589
nursing facility provider shall be the product of the following: 26590

(a) The number of points the provider's nursing facility is awarded for meeting accountability measures under this section; 26591
26592

(b) Three dollars and twenty-nine cents. 26593

~~(2) The maximum quality incentive payment that may be paid to a nursing facility provider for fiscal year 2014 shall be sixteen dollars and forty four cents per medicaid day.~~ 26594
26595
26596

~~(3)~~ The maximum quality incentive payment that may be paid to a nursing facility provider for fiscal year 2015 and each fiscal year thereafter shall be the following: 26597
26598
26599

(a) Sixteen dollars and forty-four cents if at least one of the points awarded to the nursing facility for meeting accountability measures is for an accountability measure identified in division ~~(D)~~(C)(9), (10), (11), (12), (13), or (14) of this section; 26600
26601
26602
26603
26604

(b) Thirteen dollars and sixteen cents if division ~~(B)~~(3)(2)(a) of this section does not apply. 26605
26606

~~(C) For fiscal year 2014 only and subject to division (E) of this section, the department shall award each nursing facility participating in the medicaid program one point for each of the following accountability measures the facility meets:~~ 26607
26608
26609
26610

~~(1) The facility's overall score on its resident satisfaction survey is at least eighty six.~~ 26611
26612

~~(2) The facility's overall score on its family satisfaction survey is at least eighty eight.~~ 26613
26614

~~(3) The facility satisfies the requirements for participation in the advancing excellence in America's nursing homes campaign.~~ 26615
26616

~~(4) The facility had neither of the following on the facility's most recent standard survey conducted not later than the last day of the calendar year immediately preceding the fiscal year for which the point is to be awarded or any complaint surveys~~ 26617
26618
26619
26620

conducted in the calendar year immediately preceding the fiscal	26621
year for which the point is to be awarded:	26622
(a) A health deficiency with a scope and severity level	26623
greater than F:	26624
(b) A deficiency that constitutes a substandard quality of	26625
care.	26626
(5) The facility offers at least fifty per cent of its	26627
residents at least one of the following dining choices for at	26628
least one meal each day:	26629
(a) Restaurant style dining in which food is brought from the	26630
food preparation area to residents per the residents' orders;	26631
(b) Buffet style dining in which residents obtain their own	26632
food, or have the facility's staff bring food to them per the	26633
residents' directions, from the buffet;	26634
(c) Family style dining in which food is customarily served	26635
on a serving dish and shared by residents;	26636
(d) Open dining in which residents have at least a two-hour	26637
period to choose when to have a meal;	26638
(e) Twenty-four hour dining in which residents may order	26639
meals from the facility any time of the day.	26640
(6) At least fifty per cent of the facility's residents are	26641
able to take a bath or shower as often as they choose.	26642
(7) The facility has at least both of the following scores on	26643
its resident satisfaction survey:	26644
(a) With regard to the question in the survey regarding	26645
residents' ability to choose when to go to bed in the evening, at	26646
least eighty-nine;	26647
(b) With regard to the question in the survey regarding	26648
residents' ability to choose when to get out of bed in the	26649

morning, at least seventy six. 26650

~~(8) The facility has at least both of the following scores on its family satisfaction survey:~~ 26651

~~(a) With regard to the question in the survey regarding residents' ability to choose when to go to bed in the evening, at least eighty eight;~~ 26652

~~(a) With regard to the question in the survey regarding residents' ability to choose when to go to bed in the evening, at least eighty eight;~~ 26653

~~(a) With regard to the question in the survey regarding residents' ability to choose when to go to bed in the evening, at least eighty eight;~~ 26654

~~(a) With regard to the question in the survey regarding residents' ability to choose when to go to bed in the evening, at least eighty eight;~~ 26655

~~(b) With regard to the question in the survey regarding residents' ability to choose when to get out of bed in the morning, at least seventy five.~~ 26656

~~(b) With regard to the question in the survey regarding residents' ability to choose when to get out of bed in the morning, at least seventy five.~~ 26657

~~(b) With regard to the question in the survey regarding residents' ability to choose when to get out of bed in the morning, at least seventy five.~~ 26658

~~(9) All of the following apply to the facility:~~ 26659

~~(a) At least seventy five per cent of the facility's residents have the opportunity, following admission to the facility and before completing or quarterly updating their individual plans of care, to discuss their goals for the care they are to receive at the facility, including their preferences for advance care planning, with a member of the residents' health care teams that the facility, residents, and residents' sponsors consider appropriate.~~ 26660

~~(a) At least seventy five per cent of the facility's residents have the opportunity, following admission to the facility and before completing or quarterly updating their individual plans of care, to discuss their goals for the care they are to receive at the facility, including their preferences for advance care planning, with a member of the residents' health care teams that the facility, residents, and residents' sponsors consider appropriate.~~ 26661

~~(a) At least seventy five per cent of the facility's residents have the opportunity, following admission to the facility and before completing or quarterly updating their individual plans of care, to discuss their goals for the care they are to receive at the facility, including their preferences for advance care planning, with a member of the residents' health care teams that the facility, residents, and residents' sponsors consider appropriate.~~ 26662

~~(a) At least seventy five per cent of the facility's residents have the opportunity, following admission to the facility and before completing or quarterly updating their individual plans of care, to discuss their goals for the care they are to receive at the facility, including their preferences for advance care planning, with a member of the residents' health care teams that the facility, residents, and residents' sponsors consider appropriate.~~ 26663

~~(a) At least seventy five per cent of the facility's residents have the opportunity, following admission to the facility and before completing or quarterly updating their individual plans of care, to discuss their goals for the care they are to receive at the facility, including their preferences for advance care planning, with a member of the residents' health care teams that the facility, residents, and residents' sponsors consider appropriate.~~ 26664

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~~(a) At least seventy five per cent of the facility's residents have the opportunity, following admission to the facility and before completing or quarterly updating their individual plans of care, to discuss their goals for the care they are to receive at the facility, including their preferences for advance care planning, with a member of the residents' health care teams that the facility, residents, and residents' sponsors consider appropriate.~~ 26667

~~(b) The facility records the residents' care goals, including the residents' advance care planning preferences, in their medical records.~~ 26668

~~(b) The facility records the residents' care goals, including the residents' advance care planning preferences, in their medical records.~~ 26669

~~(b) The facility records the residents' care goals, including the residents' advance care planning preferences, in their medical records.~~ 26670

~~(c) The facility uses the residents' care goals, including the residents' advance care planning preferences, in the development of the residents' individual plans of care.~~ 26671

~~(c) The facility uses the residents' care goals, including the residents' advance care planning preferences, in the development of the residents' individual plans of care.~~ 26672

~~(c) The facility uses the residents' care goals, including the residents' advance care planning preferences, in the development of the residents' individual plans of care.~~ 26673

~~(10) Not more than thirteen and thirty five hundredths per cent of the facility's long stay residents report severe to moderate pain during the minimum data set assessment process.~~ 26674

~~(10) Not more than thirteen and thirty five hundredths per cent of the facility's long stay residents report severe to moderate pain during the minimum data set assessment process.~~ 26675

~~(10) Not more than thirteen and thirty five hundredths per cent of the facility's long stay residents report severe to moderate pain during the minimum data set assessment process.~~ 26676

~~(11) Not more than five and seventy three hundredths per cent of the facility's long stay, high risk residents have been assessed as having one or more stage two, three, or four pressure~~ 26677

~~(11) Not more than five and seventy three hundredths per cent of the facility's long stay, high risk residents have been assessed as having one or more stage two, three, or four pressure~~ 26678

~~(11) Not more than five and seventy three hundredths per cent of the facility's long stay, high risk residents have been assessed as having one or more stage two, three, or four pressure~~ 26679

~~ulcers during the minimum data set assessment process.~~ 26680

~~(12) Not more than one and fifty two hundredths per cent of the facility's long stay residents were physically restrained as reported during the minimum data set assessment process.~~ 26681
26682
26683

~~(13) Less than seven and seventy eight hundredths per cent of the facility's long stay residents had a urinary tract infection as reported during the minimum data set assessment process.~~ 26684
26685
26686

~~(14) The facility uses a tool for tracking residents' admissions to hospitals.~~ 26687
26688

~~(15) An average of at least fifty per cent of the facility's medicaid certified beds are in private rooms.~~ 26689
26690

~~(16) The facility has accessible resident bathrooms, all of which meet at least two of the following standards and at least some of which meet all of the following standards:~~ 26691
26692
26693

~~(a) There are room mirrors that are accessible to residents in wheelchairs, can be adjusted so as to be visible to residents who are seated or standing, or both.~~ 26694
26695
26696

~~(b) There are room sinks that are accessible to residents in wheelchairs and have clearance for wheelchairs.~~ 26697
26698

~~(c) There are room sinks that have faucets with adaptive or easy to use lever or paddle handles.~~ 26699
26700

~~(17) The facility does both of the following:~~ 26701

~~(a) Maintains a written policy that prohibits the use of overhead paging systems or limits the use of overhead paging systems to emergencies, as defined in the policy;~~ 26702
26703
26704

~~(b) Communicates the policy to its staff, residents, and families of residents.~~ 26705
26706

~~(18) The facility has a score of at least ninety on its resident satisfaction survey with regard to the question in the~~ 26707
26708

~~survey regarding residents' ability to personalize their rooms 26709
with personal belongings. 26710~~

~~(19) The facility has a score of at least ninety five on its 26711
family satisfaction survey with regard to the question in the 26712
survey regarding residents' ability to personalize their rooms 26713
with personal belongings. 26714~~

~~(20) The facility does both of the following: 26715~~

~~(a) Maintains a written policy that requires consistent 26716
assignment of nurse aides and specifies the goal of having a 26717
resident receive nurse aide care from not more than eight 26718
different nurse aides during a thirty day period; 26719~~

~~(b) Communicates the policy to its staff, residents, and 26720
families of residents. 26721~~

~~(21) The facility's staff retention rate is at least 26722
seventy five per cent. 26723~~

~~(22) The facility's turnover rate for nurse aides is not 26724
higher than sixty five per cent. 26725~~

~~(23) For at least fifty per cent of the resident care 26726
conferences in the facility, a nurse aide who is a primary 26727
caregiver for the resident attends and participates in the 26728
conference. 26729~~

~~(D) For fiscal year 2015 and each fiscal year thereafter and 26730
subject to division ~~(E)~~(D) of this section, the department shall 26731
award each nursing facility participating in the medicaid program 26732
one point for each of the following accountability measures the 26733
facility meets: 26734~~

~~(1) The facility's overall score on its resident satisfaction 26735
survey is at least eighty-seven and five-tenths. 26736~~

~~(2) The facility's overall score on its family satisfaction 26737
survey is at least eighty-five and nine-tenths. 26738~~

(3) The facility satisfies the requirements for participation	26739
in the advancing excellence in America's nursing homes campaign.	26740
(4) Both of the following apply to the facility:	26741
(a) The facility had not been listed on table B of the	26742
special focus facility list for eighteen or more consecutive	26743
months during any time during the calendar year immediately	26744
preceding the fiscal year for which the point is to be awarded.	26745
(b) The facility had neither of the following on the	26746
facility's most recent standard survey conducted not later than	26747
the last day of the calendar year immediately preceding the fiscal	26748
year for which the point is to be awarded or any complaint surveys	26749
conducted in the calendar year immediately preceding the fiscal	26750
year for which the point is to be awarded:	26751
(i) A health deficiency with a scope and severity level	26752
greater than F;	26753
(ii) A deficiency that constitutes a substandard quality of	26754
care.	26755
(5) The facility does all of the following:	26756
(a) Offers at least fifty per cent of its residents at least	26757
one of the following dining choices for at least two meals each	26758
day:	26759
(i) Restaurant-style dining in which food is brought from the	26760
food preparation area to residents per the residents' orders;	26761
(ii) Buffet-style dining in which residents obtain their own	26762
food, or have the facility's staff bring food to them per the	26763
residents' directions, from the buffet;	26764
(iii) Family-style dining in which food is customarily served	26765
on a serving dish and shared by residents;	26766
(iv) Open dining in which residents have at least a two-hour	26767
period to choose when to have a meal;	26768

(v) Twenty-four-hour dining in which residents may order meals from the facility any time of the day.	26769 26770
(b) Maintains a written policy specifying the manner or manners in which residents' dining choices for meals are offered;	26771 26772
(c) Communicates the policy to its staff, residents, and families of residents.	26773 26774
(6) The facility does all of the following:	26775
(a) Enables at least fifty per cent of the facility's residents to take a bath or shower when they choose;	26776 26777
(b) Maintains a written policy regarding residents' choices in bathing;	26778 26779
(c) Communicates the policy to its staff, residents, and families of residents.	26780 26781
(7) The facility has at least both of the following scores on its resident satisfaction survey:	26782 26783
(a) With regard to the question in the survey regarding residents' ability to choose when to go to bed in the evening, at least eighty-nine;	26784 26785 26786
(b) With regard to the question in the survey regarding residents' ability to choose when to get out of bed in the morning, at least seventy-six.	26787 26788 26789
(8) The facility has at least both of the following scores on its family satisfaction survey:	26790 26791
(a) With regard to the question in the survey regarding residents' ability to choose when to go to bed in the evening, at least eighty-eight;	26792 26793 26794
(b) With regard to the question in the survey regarding residents' ability to choose when to get out of bed in the morning, at least seventy-five.	26795 26796 26797

(9) Not more than thirteen and thirty-five hundredths per cent of the facility's long-stay residents report severe to moderate pain during the minimum data set assessment process.	26798 26799 26800
(10) Not more than five and sixteen hundredths per cent of the facility's long-stay, high-risk residents have been assessed as having one or more stage two, three, or four pressure ulcers during the minimum data set assessment process.	26801 26802 26803 26804
(11) Not more than one and fifty-two hundredths per cent of the facility's long-stay residents were physically restrained as reported during the minimum data set assessment process.	26805 26806 26807
(12) Less than seven per cent of the facility's long-stay residents had a urinary tract infection as reported during the minimum data set assessment process.	26808 26809 26810
(13) The facility does both of the following:	26811
(a) Uses a tool for tracking residents' admissions to hospitals;	26812 26813
(b) Annually reports to the department data on hospital admissions by month for all residents.	26814 26815
(14) Both of the following apply:	26816
(a) At least ninety-five per cent of the facility's long-stay residents are vaccinated against pneumococcal pneumonia, decline the vaccination, or are not vaccinated because the vaccination is medically contraindicated.	26817 26818 26819 26820
(b) At least ninety-three per cent of the facility's long-stay residents are vaccinated against seasonal influenza, decline the vaccination, or are not vaccinated because the vaccination is medically contraindicated.	26821 26822 26823 26824
(15) An average of at least fifty per cent of the facility's medicaid-certified beds are in either, or in a combination of both, of the following:	26825 26826 26827

(a) Private rooms;	26828
(b) Semiprivate rooms to which all of the following apply:	26829
(i) Each room provides a distinct territory for each resident occupying the room.	26830 26831
(ii) Each distinct territory has a window and is separated by a substantial wall from the other distinct territories in the room.	26832 26833 26834
(iii) Each resident is able to enter and exit the distinct territory of the resident's room without entering or exiting another resident's distinct territory.	26835 26836 26837
(iv) Complete visual privacy for each distinct territory may be obtained by drawing a curtain or other screen.	26838 26839
(16) The facility obtains at least a ninety-five per cent compliance rate with requesting resident reviews required by 42 C.F.R. 483.106(b)(2)(ii) for individuals who are exempted hospital discharges.	26840 26841 26842 26843
(17) The facility does both of the following:	26844
(a) Maintains a written policy that requires consistent assignment of nurse aides and specifies the goal of having a resident receive nurse aide care from not more than twelve different nurse aides during a thirty-day period;	26845 26846 26847 26848
(b) Communicates the policy to its staff, residents, and families of residents.	26849 26850
(18) The facility's staff retention rate is at least seventy-five per cent.	26851 26852
(19) The facility's turnover rate for nurse aides is not higher than sixty-five per cent.	26853 26854
(20) For at least fifty per cent of the resident care conferences in the facility, a nurse aide who is a primary	26855 26856

caregiver for the resident attends and participates in the 26857
conference. 26858

(21) All of the following apply to the facility: 26859

(a) At least seventy-five per cent of the facility's 26860
residents have the opportunity, following admission to the 26861
facility and before completing or quarterly updating their 26862
individual plans of care, to discuss their goals for the care they 26863
are to receive at the facility, including their preferences for 26864
advance care planning, with a member of the residents' health care 26865
teams that the facility, residents, and residents' sponsors 26866
consider appropriate. 26867

(b) The facility records the residents' care goals, including 26868
the residents' advance care planning preferences, in their medical 26869
records. 26870

(c) The facility uses the residents' care goals, including 26871
the residents' advance care planning preferences, in the 26872
development of the residents' individual plans of care. 26873

(22) The facility does both of the following: 26874

(a) Maintains a written policy that prohibits the use of 26875
overhead paging systems or limits the use of overhead paging 26876
systems to emergencies, as defined in the policy; 26877

(b) Communicates the policy to its staff, residents, and 26878
families of residents. 26879

(23) The facility employs, for at least forty hours per week, 26880
at least one independent social worker or social worker licensed 26881
under Chapter 4757. of the Revised Code. 26882

(24) The facility utilizes a person-centered method of 26883
medication delivery for its residents instead of utilizing a 26884
medication cart to deliver medication to its residents. 26885

~~(E)~~(D)(1) To be awarded a point for meeting an accountability 26886

measure under division (C) ~~or (D)~~ of this section other than the 26887
accountability measure identified in ~~divisions (C)(4) and (D)~~ 26888
division (C)(4)(b) of this section, a nursing facility must meet 26889
the accountability measure in the calendar year immediately 26890
preceding the fiscal year for which the point is to be awarded. 26891

(2) The department shall award points pursuant to divisions 26892
(C)(1), ~~(7), and (18)~~ and ~~(D)(1)~~ and (7) of this section to a 26893
nursing facility only if a resident satisfaction survey was 26894
initiated under section 173.47 of the Revised Code for the nursing 26895
facility in the calendar year immediately preceding the fiscal 26896
year for which the points are to be awarded. 26897

(3) The department shall award points pursuant to divisions 26898
(C)(2), ~~(8), and (19)~~ and ~~(D)(2)~~ and (8) of this section to a 26899
nursing facility only if a family satisfaction survey was 26900
initiated under section 173.47 of the Revised Code for the nursing 26901
facility in the calendar year immediately preceding the fiscal 26902
year for which the points are to be awarded. 26903

(4) The department shall award points pursuant to divisions 26904
~~(D)~~(C)(21) and (22) of this section only for fiscal year 2015. 26905

~~(5) Not later than July 1, 2013, the department shall adjust~~ 26906
~~the score used for the purpose of division (C)(8)(b) of this~~ 26907
~~section in a manner that causes at least fifty per cent of nursing~~ 26908
~~facilities to meet division (C)(8)(b) of this section~~ The 26909
department shall award points pursuant to divisions (C)(23) and 26910
(24) of this section beginning in fiscal year 2016. 26911

~~(F) Not later than July 1, 2014, the department shall submit,~~ 26912
~~in accordance with section 101.68 of the Revised Code,~~ 26913
~~recommendations to the general assembly for accountability~~ 26914
~~measures to replace the accountability measures identified in~~ 26915
~~divisions (D)(21) and (22) of this section.~~ 26916

~~(G) Rules adopted under section 5165.02 of the Revised Code~~ 26917

~~may specify what is meant by "some" as that word is used in~~ 26918
~~division (C)(16) of this section.~~ 26919

Sec. 5165.65. (A) ~~At the conclusion of each~~ A department of 26920
health survey team shall conclude each survey of a nursing 26921
facility not later than one business day after the survey team 26922
ceases to need to be on site at the facility for the survey. Not 26923
later than the day that the survey team concludes the survey, the 26924
~~department of health~~ survey team shall conduct an exit interview 26925
with the administrator or other person in charge of the ~~nursing~~ 26926
facility and any other facility staff members designated by the 26927
administrator or person in charge of the facility. During the exit 26928
interview, at the request of the administrator or other person in 26929
charge of the facility, the survey team shall provide one of the 26930
following, as selected by the survey team: 26931

(1) Copies of all survey notes and any other written 26932
materials created during the survey; 26933

(2) A written summary of the survey team's recommendations 26934
regarding findings of noncompliance with certification 26935
requirements; 26936

(3) An audio or audiovisual recording of the interview. If 26937
the survey team selects this option, at least two copies of the 26938
recording shall be made and the survey team shall select one copy 26939
to be kept by the survey team for use by the department of health. 26940

(B) All expenses of copying under division (A)(1) of this 26941
section or recording under division (A)(3) of this section, 26942
including the cost of the copy of the recording kept by the survey 26943
team, shall be paid by the facility. 26944

Sec. 5165.68. (A) Not later than ten days after an exit 26945
interview, including an exit interview at which a department of 26946
health survey team discloses a finding that immediate jeopardy 26947

exists, the department of health shall deliver to the nursing 26948
facility a detailed statement, titled a statement of deficiencies, 26949
setting forth all findings and deficiencies cited on the basis of 26950
the survey, including any finding cited pursuant to division (E) 26951
of section 5165.66 of the Revised Code. The statement shall 26952
indicate the severity and scope level of each finding and fully 26953
describe the incidents or other facts that form the basis of the 26954
department's determination of the existence of each finding and 26955
deficiency. A failure by the survey team to completely disclose in 26956
the exit interview every finding that may result from the survey 26957
does not affect the validity of any finding or deficiency cited in 26958
the statement of deficiencies. On request of the facility, the 26959
department shall provide a copy of any written worksheet or other 26960
document produced by the survey team in making recommendations 26961
regarding scope and severity levels of findings and deficiencies. 26962

(B) At the same time the department of health delivers a 26963
statement of deficiencies, it also shall deliver to the facility a 26964
separate written notice that states all of the following: 26965

(1) That the department of medicaid or a contracting agency 26966
will issue an order under section 5165.84 of the Revised Code 26967
denying payment for any medicaid eligible residents admitted on 26968
and after the effective date of the order if the facility does not 26969
substantially correct, within ninety days after the exit 26970
interview, the deficiency or deficiencies cited in the statement 26971
of deficiencies in accordance with the plan of correction it 26972
submitted under section 5165.69 of the Revised Code; 26973

(2) If a condition of substandard care has been cited on the 26974
basis of a standard survey and a condition of substandard care was 26975
also cited on the immediately preceding standard survey, that the 26976
department of medicaid or a contracting agency will issue an order 26977
under section 5165.84 of the Revised Code denying payment for any 26978
medicaid eligible residents admitted on and after the effective 26979

date of the order if a condition of substandard care is cited on 26980
the basis of the next standard survey; 26981

(3) That the department of medicaid or a contracting agency 26982
will issue an order under section 5165.88 of the Revised Code 26983
terminating the facility's participation in the medicaid program 26984
if either of the following applies: 26985

(a) The facility does not substantially correct the 26986
deficiency or deficiencies in accordance with the plan of 26987
correction it submitted under section 5165.69 of the Revised Code 26988
within six months after the exit interview. 26989

(b) The facility substantially corrects the deficiency or 26990
deficiencies within the six-month period, but after correcting it, 26991
the department of health, based on a follow-up survey conducted 26992
during the remainder of the six-month period, determines that the 26993
facility has failed to maintain compliance with certification 26994
requirements. 26995

Sec. 5513.01. (A) ~~All~~ The director of transportation shall 26996
make all purchases of machinery, materials, supplies, or other 26997
articles ~~that the director of transportation makes shall be~~ in the 26998
manner provided in this section. In all cases except those in 26999
which the director provides written authorization for purchases by 27000
district deputy directors of transportation, the director shall 27001
make all such purchases ~~shall be made~~ at the central office of the 27002
department of transportation in Columbus. Before making any 27003
purchase at that office, the director, as provided in this 27004
section, shall give notice to bidders of the director's intention 27005
to purchase. Where the expenditure does not exceed the amount 27006
applicable to the purchase of supplies specified in division (B) 27007
of section 125.05 of the Revised Code, as adjusted pursuant to 27008
division (D) of that section, the director shall give such notice 27009
as the director considers proper, or the director may make the 27010

purchase without notice. Where the expenditure exceeds the amount 27011
applicable to the purchase of supplies specified in division (B) 27012
of section 125.05 of the Revised Code, as adjusted pursuant to 27013
division (D) of that section, the director shall give notice by 27014
posting for not less than ten days a written, typed, or printed 27015
invitation to bidders on a bulletin board, ~~which~~. The director 27016
~~shall be located~~ locate the notice in a place in the offices 27017
assigned to the department and open to the public during business 27018
hours. ~~Producers~~ 27019

Producers or distributors of any product may notify the 27020
director, in writing, of the class of articles for the furnishing 27021
of which they desire to bid and their post-office addresses, ~~in~~ 27022
~~which case~~. In that circumstance, the director shall mail copies 27023
of all invitations to bidders relating to the purchase of such 27024
articles ~~shall be mailed~~ to such persons ~~by the director~~ by 27025
regular first class mail at least ten days prior to the time fixed 27026
for taking bids. The director also may mail copies of all 27027
invitations to bidders to news agencies or other agencies or 27028
organizations distributing information of this character. Requests 27029
for invitations ~~shall~~ are not be valid ~~nor~~ and do not require 27030
action by the director unless renewed by the director, either 27031
annually or after such shorter period as the director may 27032
prescribe by a general rule. ~~The~~ 27033

The director shall include in an invitation to bidders ~~shall~~ 27034
~~contain~~ a brief statement of the general character of the article 27035
that it is intended to purchase, the approximate quantity desired, 27036
and a statement of the time and place where bids will be received, 27037
and may relate to and describe as many different articles as the 27038
director thinks proper, it being the intent and purpose of this 27039
section to authorize the inclusion in a single invitation of as 27040
many different articles as the director desires to invite bids 27041
upon at any given time. ~~Invitations~~ The director shall give 27042

invitations issued during each calendar year ~~shall be given~~ 27043
consecutive numbers, and ensure that the number assigned to each 27044
invitation ~~shall appear~~ appears on all copies thereof. In all 27045
cases where notice is required by this section, the director shall 27046
require sealed bids ~~shall be taken~~, on forms prescribed and 27047
furnished by the director, ~~and~~. The director shall not permit the 27048
modification of bids after they have been opened ~~shall not be~~ 27049
~~permitted~~. 27050

(B) The director may permit the Ohio turnpike and 27051
infrastructure commission, any political subdivision, and any 27052
state university or college to participate in contracts into which 27053
the director has entered for the purchase of machinery, materials, 27054
supplies, or other articles. The turnpike and infrastructure 27055
commission and any political subdivision or state university or 27056
college desiring to participate in such purchase contracts shall 27057
file with the director a certified copy of the bylaws or rules of 27058
the turnpike and infrastructure commission or the ordinance or 27059
resolution of the legislative authority, board of trustees, or 27060
other governing board requesting authorization to participate in 27061
such contracts and agreeing to be bound by such terms and 27062
conditions as the director prescribes. Purchases made by the 27063
turnpike and infrastructure commission, political subdivisions, or 27064
state universities or colleges under this division are exempt from 27065
any competitive bidding required by law for the purchase of 27066
machinery, materials, supplies, or other articles. 27067

(C) As used in this section: 27068

(1) "Political subdivision" means any county, township, 27069
municipal corporation, conservancy district, township park 27070
district, park district created under Chapter 1545. of the Revised 27071
Code, port authority, regional transit authority, regional airport 27072
authority, regional water and sewer district, county transit 27073
board, ~~or~~ school district as defined in section 5513.04 of the 27074

Revised Code, regional planning commission formed under section 27075
713.21 of the Revised Code, regional council of government formed 27076
under section 167.01 of the Revised Code, or other association of 27077
local governments established pursuant to an agreement under 27078
sections 307.14 to 307.19 of the Revised Code. 27079

(2) "State university or college" has the same meaning as in 27080
division (A)(1) of section 3345.32 of the Revised Code. 27081

(3) "Ohio turnpike and infrastructure commission" means the 27082
commission created by section 5537.02 of the Revised Code. 27083

Sec. 5531.10. (A) As used in this chapter: 27084

(1) "Bond proceedings" means the resolution, order, trust 27085
agreement, indenture, lease, lease-purchase agreements, and other 27086
agreements, amendments and supplements to the foregoing, or any 27087
one or more or combination thereof, authorizing or providing for 27088
the terms and conditions applicable to, or providing for the 27089
security or liquidity of, obligations issued pursuant to this 27090
section, and the provisions contained in such obligations. 27091

(2) "Bond service charges" means principal, including 27092
mandatory sinking fund requirements for retirement of obligations, 27093
and interest, and redemption premium, if any, required to be paid 27094
by the state on obligations. 27095

(3) "Bond service fund" means the applicable fund and 27096
accounts therein created for and pledged to the payment of bond 27097
service charges, which may be, or may be part of, the state 27098
infrastructure bank revenue bond service fund created by division 27099
(R) of this section including all moneys and investments, and 27100
earnings from investments, credited and to be credited thereto. 27101

(4) "Issuing authority" means the treasurer of state, or the 27102
officer who by law performs the functions of the treasurer of 27103
state. 27104

(5) "Obligations" means bonds, notes, or other evidence of obligation including interest coupons pertaining thereto, issued pursuant to this section. 271105
271106
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(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 in the state infrastructure bank pledged to the payment of such charges. If the amounts in the state infrastructure bank are insufficient for the payment of such charges, "pledged receipts" 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 federal law relating to aid for highways, and that are to be received as a grant by the state, to the extent the state is not prohibited by state or federal law from using such moneys and the moneys are pledged to the payment of such bond service charges. 271108
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(7) "Special funds" or "funds" means, except where the context does not permit, the bond service fund, and any other funds, including reserve funds, created under the bond proceedings, and the state infrastructure bank revenue bond service fund created by division (R) of this section to the extent provided in the bond proceedings, including all moneys and investments, and earnings from investment, credited and to be credited thereto. 271126
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(8) "State infrastructure project" means any public transportation project undertaken by the state, including, but not limited to, all components of any such project, as described in 271134
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271136

division (D) of section 5531.09 of the Revised Code. 27137

(9) "District obligations" means bonds, notes, or other 27138
evidence of obligation including interest coupons pertaining 27139
thereto, issued to finance a qualified project by a transportation 27140
improvement district created pursuant to section 5540.02 of the 27141
Revised Code, of which the principal, including mandatory sinking 27142
fund requirements for retirement of such obligations, and interest 27143
and redemption premium, if any, are payable by the department of 27144
transportation. 27145

(B) The issuing authority, after giving written notice to the 27146
director of budget and management and upon the certification by 27147
the director of transportation to the issuing authority of the 27148
amount of moneys or additional moneys needed either for state 27149
infrastructure projects or to provide financial assistance for any 27150
of the purposes for which the state infrastructure bank may be 27151
used under section 5531.09 of the Revised Code, or needed for 27152
capitalized interest, funding reserves, and paying costs and 27153
expenses incurred in connection with the issuance, carrying, 27154
securing, paying, redeeming, or retirement of the obligations or 27155
any obligations refunded thereby, including payment of costs and 27156
expenses relating to letters of credit, lines of credit, 27157
insurance, put agreements, standby purchase agreements, indexing, 27158
marketing, remarketing and administrative arrangements, interest 27159
swap or hedging agreements, and any other credit enhancement, 27160
liquidity, remarketing, renewal, or refunding arrangements, all of 27161
which are authorized by this section, shall issue obligations of 27162
the state under this section in the required amount. The proceeds 27163
of such obligations, except for the portion to be deposited in 27164
special funds, including reserve funds, as may be provided in the 27165
bond proceedings, shall as provided in the bond proceedings be 27166
credited to the infrastructure bank obligations fund of the state 27167
infrastructure bank created by section 5531.09 of the Revised Code 27168

and disbursed as provided in the bond proceedings for such 27169
obligations. The issuing authority may appoint trustees, paying 27170
agents, transfer agents, and authenticating agents, and may retain 27171
the services of financial advisors, accounting experts, and 27172
attorneys, and retain or contract for the services of marketing, 27173
remarketing, indexing, and administrative agents, other 27174
consultants, and independent contractors, including printing 27175
services, as are necessary in the issuing authority's judgment to 27176
carry out this section. The costs of such services are payable 27177
from funds of the state infrastructure bank or as otherwise 27178
provided in the bond proceedings. 27179

(C) The holders or owners of such obligations shall have no 27180
right to have moneys raised by taxation by the state of Ohio 27181
obligated or pledged, and moneys so raised shall not be obligated 27182
or pledged, for the payment of bond service charges. The right of 27183
such holders and owners to the payment of bond service charges is 27184
limited to all or that portion of the pledged receipts and those 27185
special funds pledged thereto pursuant to the bond proceedings for 27186
such obligations in accordance with this section, and each such 27187
obligation shall bear on its face a statement to that effect. 27188
Moneys received as repayment of loans made by the state 27189
infrastructure bank pursuant to section 5531.09 of the Revised 27190
Code shall not be considered moneys raised by taxation by the 27191
state of Ohio regardless of the source of the moneys. 27192

(D) Obligations shall be authorized by order of the issuing 27193
authority and the bond proceedings shall provide for the purpose 27194
thereof and the principal amount or amounts, and shall provide for 27195
or authorize the manner or agency for determining the principal 27196
maturity or maturities, not exceeding twenty-five years from the 27197
date of issuance or, with respect to obligations issued to finance 27198
a transportation facility pursuant to a public-private agreement, 27199
not exceeding forty-five years from the date of issuance, the 27200

interest rate or rates or the maximum interest rate, the date of 27201
the obligations and the dates of payment of interest thereon, 27202
their denomination, and the establishment within or without the 27203
state of a place or places of payment of bond service charges. 27204
Sections 9.98 to 9.983 of the Revised Code are applicable to 27205
obligations issued under this section. The purpose of such 27206
obligations may be stated in the bond proceedings in terms 27207
describing the general purpose or purposes to be served. The bond 27208
proceedings also shall provide, subject to the provisions of any 27209
other applicable bond proceedings, for the pledge of all, or such 27210
part as the issuing authority may determine, of the pledged 27211
receipts and the applicable special fund or funds to the payment 27212
of bond service charges, which pledges may be made either prior or 27213
subordinate to other expenses, claims, or payments, and may be 27214
made to secure the obligations on a parity with obligations 27215
theretofore or thereafter issued, if and to the extent provided in 27216
the bond proceedings. The pledged receipts and special funds so 27217
pledged and thereafter received by the state immediately are 27218
subject to the lien of such pledge without any physical delivery 27219
thereof or further act, and the lien of any such pledges is valid 27220
and binding against all parties having claims of any kind against 27221
the state or any governmental agency of the state, irrespective of 27222
whether such parties have notice thereof, and shall create a 27223
perfected security interest for all purposes of Chapter 1309. of 27224
the Revised Code, without the necessity for separation or delivery 27225
of funds or for the filing or recording of the bond proceedings by 27226
which such pledge is created or any certificate, statement, or 27227
other document with respect thereto; and the pledge of such 27228
pledged receipts and special funds is effective and the money 27229
therefrom and thereof may be applied to the purposes for which 27230
pledged without necessity for any act of appropriation. Every 27231
pledge, and every covenant and agreement made with respect 27232
thereto, made in the bond proceedings may therein be extended to 27233

the benefit of the owners and holders of obligations authorized by 27234
this section, and to any trustee therefor, for the further 27235
security of the payment of the bond service charges. 27236

For purposes of this division, "transportation facility" and 27237
"public-private agreement" have the same meanings as in section 27238
5501.70 of the Revised Code. 27239

(E) The bond proceedings may contain additional provisions as 27240
to: 27241

(1) The redemption of obligations prior to maturity at the 27242
option of the issuing authority at such price or prices and under 27243
such terms and conditions as are provided in the bond proceedings; 27244

(2) Other terms of the obligations; 27245

(3) Limitations on the issuance of additional obligations; 27246

(4) The terms of any trust agreement or indenture securing 27247
the obligations or under which the same may be issued; 27248

(5) The deposit, investment, and application of special 27249
funds, and the safeguarding of moneys on hand or on deposit, 27250
without regard to Chapter 131. or 135. of the Revised Code, but 27251
subject to any special provisions of this section with respect to 27252
particular funds or moneys, provided that any bank or trust 27253
company which acts as depository of any moneys in the special 27254
funds may furnish such indemnifying bonds or may pledge such 27255
securities as required by the issuing authority; 27256

(6) Any or every provision of the bond proceedings being 27257
binding upon such officer, board, commission, authority, agency, 27258
department, or other person or body as may from time to time have 27259
the authority under law to take such actions as may be necessary 27260
to perform all or any part of the duty required by such provision; 27261

(7) Any provision that may be made in a trust agreement or 27262
indenture; 27263

(8) Any other or additional agreements with the holders of 27264
the obligations, or the trustee therefor, relating to the 27265
obligations or the security therefor, including the assignment of 27266
mortgages or other security relating to financial assistance for 27267
qualified projects under section 5531.09 of the Revised Code. 27268

(F) The obligations may have the great seal of the state or a 27269
facsimile thereof affixed thereto or printed thereon. The 27270
obligations and any coupons pertaining to obligations shall be 27271
signed or bear the facsimile signature of the issuing authority. 27272
Any obligations or coupons may be executed by the person who, on 27273
the date of execution, is the proper issuing authority although on 27274
the date of such bonds or coupons such person was not the issuing 27275
authority. In case the issuing authority whose signature or a 27276
facsimile of whose signature appears on any such obligation or 27277
coupon ceases to be the issuing authority before delivery thereof, 27278
such signature or facsimile nevertheless is valid and sufficient 27279
for all purposes as if the former issuing authority had remained 27280
the issuing authority until such delivery; and in case the seal to 27281
be affixed to obligations has been changed after a facsimile of 27282
the seal has been imprinted on such obligations, such facsimile 27283
seal shall continue to be sufficient as to such obligations and 27284
obligations issued in substitution or exchange therefor. 27285

(G) All obligations are negotiable instruments and securities 27286
under Chapter 1308. of the Revised Code, subject to the provisions 27287
of the bond proceedings as to registration. The obligations may be 27288
issued in coupon or in registered form, or both, as the issuing 27289
authority determines. Provision may be made for the registration 27290
of any obligations with coupons attached thereto as to principal 27291
alone or as to both principal and interest, their exchange for 27292
obligations so registered, and for the conversion or reconversion 27293
into obligations with coupons attached thereto of any obligations 27294
registered as to both principal and interest, and for reasonable 27295

charges for such registration, exchange, conversion, and reconversion.	27296 27297
(H) Obligations may be sold at public sale or at private sale, as determined in the bond proceedings.	27298 27299
(I) Pending preparation of definitive obligations, the issuing authority may issue interim receipts or certificates which shall be exchanged for such definitive obligations.	27300 27301 27302
(J) In the discretion of the issuing authority, obligations may be secured additionally by a trust agreement or indenture between the issuing authority and a corporate trustee which may be any trust company or bank having <u>possessing corporate trust powers that has</u> a place of business within <u>or without</u> the state. Any such agreement or indenture may contain the order authorizing the issuance of the obligations, any provisions that may be contained in any bond proceedings, and other provisions which are customary or appropriate in an agreement or indenture of such type, including, but not limited to:	27303 27304 27305 27306 27307 27308 27309 27310 27311 27312
(1) Maintenance of each pledge, trust agreement, indenture, or other instrument comprising part of the bond proceedings until the state has fully paid the bond service charges on the obligations secured thereby, or provision therefor has been made;	27313 27314 27315 27316
(2) In the event of default in any payments required to be made by the bond proceedings, or any other agreement of the issuing authority made as a part of the contract under which the obligations were issued, enforcement of such payments or agreement by mandamus, the appointment of a receiver, suit in equity, action at law, or any combination of the foregoing;	27317 27318 27319 27320 27321 27322
(3) The rights and remedies of the holders of obligations and of the trustee, and provisions for protecting and enforcing them, including limitations on the rights of individual holders of obligations;	27323 27324 27325 27326

(4) The replacement of any obligations that become mutilated 27327
or are destroyed, lost, or stolen; 27328

(5) Such other provisions as the trustee and the issuing 27329
authority agree upon, including limitations, conditions, or 27330
qualifications relating to any of the foregoing. 27331

(K) Any holder of obligations or a trustee under the bond 27332
proceedings, except to the extent that the holder's or trustee's 27333
rights are restricted by the bond proceedings, may by any suitable 27334
form of legal proceedings, protect and enforce any rights under 27335
the laws of this state or granted by such bond proceedings. Such 27336
rights include the right to compel the performance of all duties 27337
of the issuing authority and the director of transportation 27338
required by the bond proceedings or sections 5531.09 and 5531.10 27339
of the Revised Code; to enjoin unlawful activities; and in the 27340
event of default with respect to the payment of any bond service 27341
charges on any obligations or in the performance of any covenant 27342
or agreement on the part of the issuing authority or the director 27343
of transportation in the bond proceedings, to apply to a court 27344
having jurisdiction of the cause to appoint a receiver to receive 27345
and administer the pledged receipts and special funds, other than 27346
those in the custody of the treasurer of state, which are pledged 27347
to the payment of the bond service charges on such obligations or 27348
which are the subject of the covenant or agreement, with full 27349
power to pay, and to provide for payment of bond service charges 27350
on, such obligations, and with such powers, subject to the 27351
direction of the court, as are accorded receivers in general 27352
equity cases, excluding any power to pledge additional revenues or 27353
receipts or other income or moneys of the state or local 27354
governmental entities, or agencies thereof, to the payment of such 27355
principal and interest and excluding the power to take possession 27356
of, mortgage, or cause the sale or otherwise dispose of any 27357
project facilities. 27358

Each duty of the issuing authority and the issuing 27359
authority's officers and employees, and of each state or local 27360
governmental agency and its officers, members, or employees, 27361
undertaken pursuant to the bond proceedings or any loan, loan 27362
guarantee, lease, lease-purchase agreement, or other agreement 27363
made under authority of section 5531.09 of the Revised Code, and 27364
in every agreement by or with the issuing authority, is hereby 27365
established as a duty of the issuing authority, and of each such 27366
officer, member, or employee having authority to perform such 27367
duty, specifically enjoined by the law resulting from an office, 27368
trust, or station within the meaning of section 2731.01 of the 27369
Revised Code. 27370

The person who is at the time the issuing authority, or the 27371
issuing authority's officers or employees, are not liable in their 27372
personal capacities on any obligations issued by the issuing 27373
authority or any agreements of or with the issuing authority. 27374

(L) The issuing authority may authorize and issue obligations 27375
for the refunding, including funding and retirement, and advance 27376
refunding with or without payment or redemption prior to maturity, 27377
of any obligations previously issued by the issuing authority or 27378
district obligations. Such refunding obligations may be issued in 27379
amounts sufficient for payment of the principal amount of the 27380
prior obligations or district obligations, any redemption premiums 27381
thereon, principal maturities of any such obligations or district 27382
obligations maturing prior to the redemption of the remaining 27383
obligations or district obligations on a parity therewith, 27384
interest accrued or to accrue to the maturity dates or dates of 27385
redemption of such obligations or district obligations, and any 27386
expenses incurred or to be incurred in connection with such 27387
issuance and such refunding, funding, and retirement. Subject to 27388
the bond proceedings therefor, the portion of proceeds of the sale 27389
of refunding obligations issued under this division to be applied 27390

to bond service charges on the prior obligations or district 27391
obligations shall be credited to an appropriate account held by 27392
the trustee for such prior or new obligations or to the 27393
appropriate account in the bond service fund for such obligations 27394
or district obligations. Obligations authorized under this 27395
division shall be deemed to be issued for those purposes for which 27396
such prior obligations or district obligations were issued and are 27397
subject to the provisions of this section pertaining to other 27398
obligations, except as otherwise provided in this section. The 27399
last maturity of obligations authorized under this division shall 27400
not be later than ~~twenty five years from the date of issuance~~ the 27401
latest permitted maturity of the original securities issued for 27402
the original purpose. 27403

(M) The authority to issue obligations under this section 27404
includes authority to issue obligations in the form of bond 27405
anticipation notes and to renew the same from time to time by the 27406
issuance of new notes. The holders of such notes or interest 27407
coupons pertaining thereto shall have a right to be paid solely 27408
from the pledged receipts and special funds that may be pledged to 27409
the payment of the bonds anticipated, or from the proceeds of such 27410
bonds or renewal notes, or both, as the issuing authority provides 27411
in the order authorizing such notes. Such notes may be 27412
additionally secured by covenants of the issuing authority to the 27413
effect that the issuing authority and the state will do such or 27414
all things necessary for the issuance of such bonds or renewal 27415
notes in the appropriate amount, and apply the proceeds thereof to 27416
the extent necessary, to make full payment of the principal of and 27417
interest on such notes at the time or times contemplated, as 27418
provided in such order. For such purpose, the issuing authority 27419
may issue bonds or renewal notes in such principal amount and upon 27420
such terms as may be necessary to provide funds to pay when 27421
required the principal of and interest on such notes, 27422
notwithstanding any limitations prescribed by or for purposes of 27423

this section. Subject to this division, all provisions for and 27424
references to obligations in this section are applicable to notes 27425
authorized under this division. 27426

The issuing authority in the bond proceedings authorizing the 27427
issuance of bond anticipation notes shall set forth for such bonds 27428
an estimated interest rate and a schedule of principal payments 27429
for such bonds and the annual maturity dates thereof. 27430

(N) Obligations issued under this section are lawful 27431
investments for banks, societies for savings, savings and loan 27432
associations, deposit guarantee associations, trust companies, 27433
trustees, fiduciaries, insurance companies, including domestic for 27434
life and domestic not for life, trustees or other officers having 27435
charge of sinking and bond retirement or other special funds of 27436
political subdivisions and taxing districts of this state, the 27437
commissioners of the sinking fund of the state, the administrator 27438
of workers' compensation, the state teachers retirement system, 27439
the public employees retirement system, the school employees 27440
retirement system, and the Ohio police and fire pension fund, 27441
notwithstanding any other provisions of the Revised Code or rules 27442
adopted pursuant thereto by any agency of the state with respect 27443
to investments by them, and are also acceptable as security for 27444
the deposit of public moneys. 27445

(O) Unless otherwise provided in any applicable bond 27446
proceedings, moneys to the credit of or in the special funds 27447
established by or pursuant to this section may be invested by or 27448
on behalf of the issuing authority only in notes, bonds, or other 27449
obligations of the United States, or of any agency or 27450
instrumentality of the United States, obligations guaranteed as to 27451
principal and interest by the United States, obligations of this 27452
state or any political subdivision of this state, and certificates 27453
of deposit of any national bank located in this state and any 27454
bank, as defined in section 1101.01 of the Revised Code, subject 27455

to inspection by the superintendent of financial institutions. If 27456
the law or the instrument creating a trust pursuant to division 27457
(J) of this section expressly permits investment in direct 27458
obligations of the United States or an agency of the United 27459
States, unless expressly prohibited by the instrument, such moneys 27460
also may be invested in no-front-end-load money market mutual 27461
funds consisting exclusively of obligations of the United States 27462
or an agency of the United States and in repurchase agreements, 27463
including those issued by the fiduciary itself, secured by 27464
obligations of the United States or an agency of the United 27465
States; and in collective investment funds as defined in division 27466
(A) of section 1111.01 of the Revised Code and consisting 27467
exclusively of any such securities. The income from such 27468
investments shall be credited to such funds as the issuing 27469
authority determines, and such investments may be sold at such 27470
times as the issuing authority determines or authorizes. 27471

(P) Provision may be made in the applicable bond proceedings 27472
for the establishment of separate accounts in the bond service 27473
fund and for the application of such accounts only to the 27474
specified bond service charges on obligations pertinent to such 27475
accounts and bond service fund and for other accounts therein 27476
within the general purposes of such fund. Unless otherwise 27477
provided in any applicable bond proceedings, moneys to the credit 27478
of or in the several special funds established pursuant to this 27479
section shall be disbursed on the order of the treasurer of state, 27480
provided that no such order is required for the payment from the 27481
bond service fund when due of bond service charges on obligations. 27482

(Q)(1) The issuing authority may pledge all, or such portion 27483
as the issuing authority determines, of the pledged receipts to 27484
the payment of bond service charges on obligations issued under 27485
this section, and for the establishment and maintenance of any 27486
reserves, as provided in the bond proceedings, and make other 27487

provisions therein with respect to pledged receipts as authorized 27488
by this chapter, which provisions are controlling notwithstanding 27489
any other provisions of law pertaining thereto. 27490

(2) An action taken under division (Q)(2) of this section 27491
does not limit the generality of division (Q)(1) of this section, 27492
and is subject to division (C) of this section and, if and to the 27493
extent otherwise applicable, Section 13 of Article VIII, Ohio 27494
Constitution. The bond proceedings may contain a covenant that, in 27495
the event the pledged receipts primarily pledged and required to 27496
be used for the payment of bond service charges on obligations 27497
issued under this section, and for the establishment and 27498
maintenance of any reserves, as provided in the bond proceedings, 27499
are insufficient to make any such payment in full when due, or to 27500
maintain any such reserve, the director of transportation shall so 27501
notify the governor, and shall determine to what extent, if any, 27502
the payment may be made or moneys may be restored to the reserves 27503
from lawfully available moneys previously appropriated for that 27504
purpose to the department of transportation. The covenant also may 27505
provide that if the payments are not made or the moneys are not 27506
immediately and fully restored to the reserves from such moneys, 27507
the director shall promptly submit to the governor and to the 27508
director of budget and management a written request for either or 27509
both of the following: 27510

(a) That the next biennial budget submitted by the governor 27511
to the general assembly include an amount to be appropriated from 27512
lawfully available moneys to the department for the purpose of and 27513
sufficient for the payment in full of bond service charges 27514
previously due and for the full replenishment of the reserves; 27515

(b) That the general assembly be requested to increase 27516
appropriations from lawfully available moneys for the department 27517
in the current biennium sufficient for the purpose of and for the 27518
payment in full of bond service charges previously due and to come 27519

due in the biennium and for the full replenishment of the 27520
reserves. 27521

The director of transportation shall include with such 27522
requests a recommendation that the payment of the bond service 27523
charges and the replenishment of the reserves be made in the 27524
interest of maximizing the benefits of the state infrastructure 27525
bank. Any such covenant shall not obligate or purport to obligate 27526
the state to pay the bond service charges on such bonds or notes 27527
or to deposit moneys in a reserve established for such payments 27528
other than from moneys that may be lawfully available and 27529
appropriated for that purpose during the then-current biennium. 27530

(R) There is hereby created the state infrastructure bank 27531
revenue bond service fund, which shall be in the custody of the 27532
treasurer of state but shall not be a part of the state treasury. 27533
All moneys received by or on account of the issuing authority or 27534
state agencies and required by the applicable bond proceedings, 27535
consistent with this section, to be deposited, transferred, or 27536
credited to the bond service fund, and all other moneys 27537
transferred or allocated to or received for the purposes of the 27538
fund, shall be deposited and credited to such fund and to any 27539
separate accounts therein, subject to applicable provisions of the 27540
bond proceedings, but without necessity for any act of 27541
appropriation. The state infrastructure bank revenue bond service 27542
fund is a trust fund and is hereby pledged to the payment of bond 27543
service charges to the extent provided in the applicable bond 27544
proceedings, and payment thereof from such fund shall be made or 27545
provided for by the treasurer of state in accordance with such 27546
bond proceedings without necessity for any act of appropriation. 27547

(S) The obligations issued pursuant to this section, the 27548
transfer thereof, and the income therefrom, including any profit 27549
made on the sale thereof, shall at all times be free from taxation 27550
within this state. 27551

Sec. 5703.052. (A) There is hereby created in the state 27552
treasury the tax refund fund, from which refunds shall be paid for 27553
taxes illegally or erroneously assessed or collected, or for any 27554
other reason overpaid, that are levied by Chapter 4301., 4305., 27555
5726., 5728., 5729., 5731., 5733., 5735., 5736., 5739., 5741., 27556
5743., 5747., 5748., 5749., 5751., or 5753. and sections 3737.71, 27557
3905.35, 3905.36, 4303.33, 5707.03, 5725.18, 5727.28, 5727.38, 27558
5727.81, and 5727.811 of the Revised Code. Refunds for fees or 27559
wireless 9-1-1 charges illegally or erroneously assessed or 27560
collected, or for any other reason overpaid, that are levied by 27561
sections 128.42 or 3734.90 to 3734.9014 of the Revised Code also 27562
shall be paid from the fund. Refunds for amounts illegally or 27563
erroneously assessed or collected by the tax commissioner, or for 27564
any other reason overpaid, that are due under section 1509.50 of 27565
the Revised Code shall be paid from the fund. However, refunds for 27566
taxes levied under section 5739.101 of the Revised Code shall not 27567
be paid from the tax refund fund, but shall be paid as provided in 27568
section 5739.104 of the Revised Code. 27569

(B)(1) Upon certification by the tax commissioner to the 27570
treasurer of state of a tax refund, a wireless 9-1-1 charge 27571
refund, or another amount refunded, or by the superintendent of 27572
insurance of a domestic or foreign insurance tax refund, the 27573
treasurer of state shall place the amount certified to the credit 27574
of the fund. The certified amount transferred shall be derived 27575
from the receipts of the same tax, fee, wireless 9-1-1 charge, or 27576
other amount from which the refund arose. 27577

(2) When a refund is for a tax, fee, wireless 9-1-1 charge, 27578
or other amount that is not levied by the state or that was 27579
illegally or erroneously distributed to a taxing jurisdiction, the 27580
tax commissioner shall recover the amount of that refund from the 27581
next distribution of that tax, fee, wireless 9-1-1 charge, or 27582
other amount that otherwise would be made to the taxing 27583

jurisdiction. If the amount to be recovered would exceed 27584
twenty-five per cent of the next distribution of that tax, fee, 27585
wireless 9-1-1 charge, or other amount, the commissioner may 27586
spread the recovery over more than one future distribution, taking 27587
into account the amount to be recovered and the amount of the 27588
anticipated future distributions. In no event may the commissioner 27589
spread the recovery over a period to exceed ~~twenty-four~~ thirty-six 27590
months. 27591

Sec. 5703.21. (A) Except as provided in divisions (B) and (C) 27592
of this section, no agent of the department of taxation, except in 27593
the agent's report to the department or when called on to testify 27594
in any court or proceeding, shall divulge any information acquired 27595
by the agent as to the transactions, property, or business of any 27596
person while acting or claiming to act under orders of the 27597
department. Whoever violates this provision shall thereafter be 27598
disqualified from acting as an officer or employee or in any other 27599
capacity under appointment or employment of the department. 27600
27601

(B)(1) For purposes of an audit pursuant to section 117.15 of 27602
the Revised Code, or an audit of the department pursuant to 27603
Chapter 117. of the Revised Code, or an audit, pursuant to that 27604
chapter, the objective of which is to express an opinion on a 27605
financial report or statement prepared or issued pursuant to 27606
division (A)(7) or (9) of section 126.21 of the Revised Code, the 27607
officers and employees of the auditor of state charged with 27608
conducting the audit shall have access to and the right to examine 27609
any state tax returns and state tax return information in the 27610
possession of the department to the extent that the access and 27611
examination are necessary for purposes of the audit. Any 27612
information acquired as the result of that access and examination 27613
shall not be divulged for any purpose other than as required for 27614
the audit or unless the officers and employees are required to 27615

testify in a court or proceeding under compulsion of legal 27616
process. Whoever violates this provision shall thereafter be 27617
disqualified from acting as an officer or employee or in any other 27618
capacity under appointment or employment of the auditor of state. 27619

(2) For purposes of an internal audit pursuant to section 27620
126.45 of the Revised Code, the officers and employees of the 27621
office of internal audit in the office of budget and management 27622
charged with directing the internal audit shall have access to and 27623
the right to examine any state tax returns and state tax return 27624
information in the possession of the department to the extent that 27625
the access and examination are necessary for purposes of the 27626
internal audit. Any information acquired as the result of that 27627
access and examination shall not be divulged for any purpose other 27628
than as required for the internal audit or unless the officers and 27629
employees are required to testify in a court or proceeding under 27630
compulsion of legal process. Whoever violates this provision shall 27631
thereafter be disqualified from acting as an officer or employee 27632
or in any other capacity under appointment or employment of the 27633
office of internal audit. 27634

(3) As provided by section 6103(d)(2) of the Internal Revenue 27635
Code, any federal tax returns or federal tax information that the 27636
department has acquired from the internal revenue service, through 27637
federal and state statutory authority, may be disclosed to the 27638
auditor of state or the office of internal audit solely for 27639
purposes of an audit of the department. 27640

(4) For purposes of Chapter 3739. of the Revised Code, an 27641
agent of the department of taxation may share information with the 27642
division of state fire marshal that the agent finds during the 27643
course of an investigation. 27644

(C) Division (A) of this section does not prohibit any of the 27645
following: 27646

(1) Divulging information contained in applications,	27647
complaints, and related documents filed with the department under	27648
section 5715.27 of the Revised Code or in applications filed with	27649
the department under section 5715.39 of the Revised Code;	27650
(2) Providing information to the office of child support	27651
within the department of job and family services pursuant to	27652
section 3125.43 of the Revised Code;	27653
(3) Disclosing to the motor vehicle repair board any	27654
information in the possession of the department that is necessary	27655
for the board to verify the existence of an applicant's valid	27656
vendor's license and current state tax identification number under	27657
section 4775.07 of the Revised Code;	27658
(4) Providing information to the administrator of workers'	27659
compensation pursuant to sections 4123.271 and 4123.591 of the	27660
Revised Code;	27661
(5) Providing to the attorney general information the	27662
department obtains under division (J) of section 1346.01 of the	27663
Revised Code;	27664
(6) Permitting properly authorized officers, employees, or	27665
agents of a municipal corporation from inspecting reports or	27666
information pursuant to rules adopted under section 5745.16 of the	27667
Revised Code;	27668
(7) Providing information regarding the name, account number,	27669
or business address of a holder of a vendor's license issued	27670
pursuant to section 5739.17 of the Revised Code, a holder of a	27671
direct payment permit issued pursuant to section 5739.031 of the	27672
Revised Code, or a seller having a use tax account maintained	27673
pursuant to section 5741.17 of the Revised Code, or information	27674
regarding the active or inactive status of a vendor's license,	27675
direct payment permit, or seller's use tax account;	27676
(8) Releasing invoices or invoice information furnished under	27677

section 4301.433 of the Revised Code pursuant to that section; 27678

(9) Providing to a county auditor notices or documents 27679
concerning or affecting the taxable value of property in the 27680
county auditor's county. Unless authorized by law to disclose 27681
documents so provided, the county auditor shall not disclose such 27682
documents; 27683

(10) Providing to a county auditor sales or use tax return or 27684
audit information under section 333.06 of the Revised Code; 27685

(11) Subject to section 4301.441 of the Revised Code, 27686
disclosing to the appropriate state agency information in the 27687
possession of the department of taxation that is necessary to 27688
verify a permit holder's gallonage or noncompliance with taxes 27689
levied under Chapter 4301. or 4305. of the Revised Code; 27690

(12) Disclosing to the department of natural resources 27691
information in the possession of the department of taxation that 27692
is necessary for the department of taxation to verify the 27693
taxpayer's compliance with section 5749.02 of the Revised Code or 27694
to allow the department of natural resources to enforce Chapter 27695
1509. of the Revised Code; 27696

(13) Disclosing to the department of job and family services, 27697
industrial commission, and bureau of workers' compensation 27698
information in the possession of the department of taxation solely 27699
for the purpose of identifying employers that misclassify 27700
employees as independent contractors or that fail to properly 27701
report and pay employer tax liabilities. The department of 27702
taxation shall disclose only such information that is necessary to 27703
verify employer compliance with law administered by those 27704
agencies. 27705

(14) Disclosing to the Ohio casino control commission 27706
information in the possession of the department of taxation that 27707
is necessary to verify a casino operator's compliance with section 27708

5747.063 or 5753.02 of the Revised Code and sections related 27709
thereto; 27710

(15) Disclosing to the state lottery commission information 27711
in the possession of the department of taxation that is necessary 27712
to verify a lottery sales agent's compliance with section 5747.064 27713
of the Revised Code; 27714

(16) Providing to a board of county commissioners any sales 27715
or use tax return or audit information necessary to verify 27716
vendors' compliance with any taxes levied by the county under 27717
Chapter 5739. or 5741. of the Revised Code. 27718

Sec. 5705.10. (A) All revenue derived from the general levy 27719
for current expense within the ten-mill limitation, from any 27720
general levy for current expense authorized by vote in excess of 27721
the ten-mill limitation, and from sources other than the general 27722
property tax, unless its use for a particular purpose is 27723
prescribed by law, shall be paid into the general fund. 27724

(B) All revenue derived from general or special levies for 27725
debt charges, whether within or in excess of the ten-mill 27726
limitation, which is levied for the debt charges on serial bonds, 27727
notes, or certificates of indebtedness having a life less than 27728
five years, shall be paid into the bond retirement fund; and all 27729
such revenue which is levied for the debt charges on all other 27730
bonds, notes, or certificates of indebtedness shall be paid into 27731
the sinking fund. 27732

(C) All revenue derived from a special levy shall be credited 27733
to a special fund for the purpose for which the levy was made. 27734

(D) Except as otherwise provided by resolution adopted 27735
pursuant to section 3315.01 of the Revised Code, all revenue 27736
derived from a source other than the general property tax and 27737
which the law prescribes shall be used for a particular purpose, 27738

shall be paid into a special fund for such purpose. Except as 27739
otherwise provided by resolution adopted pursuant to section 27740
3315.01 of the Revised Code or as otherwise provided by section 27741
3315.40 of the Revised Code, all revenue derived from a source 27742
other than the general property tax, for which the law does not 27743
prescribe use for a particular purpose, including interest earned 27744
on the principal of any special fund, regardless of the source or 27745
purpose of the principal, shall be paid into the general fund. 27746

(E) All proceeds from the sale of public obligations or 27747
fractionalized interests in public obligations as defined in 27748
section 133.01 of the Revised Code, except premium and accrued 27749
interest, shall be paid into a special fund for the purpose of 27750
such issue, and any interest and other income earned on money in 27751
such special fund may be used for the purposes for which the 27752
indebtedness was authorized or may be credited to the general fund 27753
or other fund or account as the taxing authority authorizes and 27754
used for the purposes of that fund or account. The premium and 27755
accrued interest received from such sale shall be paid into the 27756
sinking fund or the bond retirement fund of the subdivision. 27757

(F) Except as provided in divisions (G) and (H) of this 27758
section, if a permanent improvement of the subdivision is sold, 27759
the amount received from the sale shall be paid into the sinking 27760
fund, the bond retirement fund, or a special fund for the 27761
construction or acquisition of permanent improvements; provided 27762
that the proceeds from the sale of a public utility shall be paid 27763
into the sinking fund or bond retirement fund to the extent 27764
necessary to provide for the retirement of the outstanding 27765
indebtedness incurred in the construction or acquisition of such 27766
utility. Proceeds from the sale of property other than a permanent 27767
improvement shall be paid into the fund from which such property 27768
was acquired or is maintained or, if there is no such fund, into 27769
the general fund. 27770

(G) A township that has a population greater than fifteen thousand according to the most recent federal decennial census and that has declared one or more improvements in the township to be a public purpose under section 5709.73 of the Revised Code may pay proceeds from the sale of a permanent improvement of the township into its general fund if both of the following conditions are satisfied:

(1) The township fiscal officer determines that all foreseeable public infrastructure improvements, as defined in section 5709.40 of the Revised Code, to be made in the township in the ten years immediately following the date the permanent improvement is sold will have been financed through resolutions adopted under section 5709.73 of the Revised Code on or before the date of the sale. The fiscal officer shall provide written certification of this determination for the township's records.

(2) The permanent improvement being sold was financed entirely from moneys in the township's general fund.

(H) If a board of education of a school district disposes of real property under section 3313.41 of the Revised Code, the proceeds received on or after September 29, 2013, from the sale shall be used ~~to retire~~ for either of the following purposes:

(1) The retirement of any debt that was incurred by the district with respect to that real property. Proceeds in excess of the funds necessary to retire that debt may be paid into the school district's capital and maintenance fund and used only to pay for the costs of nonoperating capital expenses related to technology infrastructure and equipment to be used for instruction and assessment.

(2) Payment into a special fund for the construction or acquisition of permanent improvements.

(I) Money paid into any fund shall be used only for the

purposes for which such fund is established. 27802

Sec. 5709.12. (A) As used in this section, "independent 27803
living facilities" means any residential housing facilities and 27804
related property that are not a nursing home, residential care 27805
facility, or residential facility as defined in division (A) of 27806
section 5701.13 of the Revised Code. 27807

(B) Lands, houses, and other buildings belonging to a county, 27808
township, or municipal corporation and used exclusively for the 27809
accommodation or support of the poor, or leased to the state or 27810
any political subdivision for public purposes shall be exempt from 27811
taxation. Real and tangible personal property belonging to 27812
institutions that is used exclusively for charitable purposes 27813
shall be exempt from taxation, including real property belonging 27814
to an institution that is a nonprofit corporation that receives a 27815
grant under the Thomas Alva Edison grant program authorized by 27816
division (C) of section 122.33 of the Revised Code at any time 27817
during the tax year and being held for leasing or resale to 27818
others. If, at any time during a tax year for which such property 27819
is exempted from taxation, the corporation ceases to qualify for 27820
such a grant, the director of development shall notify the tax 27821
commissioner, and the tax commissioner shall cause the property to 27822
be restored to the tax list beginning with the following tax year. 27823
All property owned and used by a nonprofit organization 27824
exclusively for a home for the aged, as defined in section 5701.13 27825
of the Revised Code, also shall be exempt from taxation. 27826

(C)(1) If a home for the aged described in division (B)(1) of 27827
section 5701.13 of the Revised Code is operated in conjunction 27828
with or at the same site as independent living facilities, the 27829
exemption granted in division (B) of this section shall include 27830
kitchen, dining room, clinic, entry ways, maintenance and storage 27831
areas, and land necessary for access commonly used by both 27832

residents of the home for the aged and residents of the 27833
independent living facilities. Other facilities commonly used by 27834
both residents of the home for the aged and residents of 27835
independent living units shall be exempt from taxation only if the 27836
other facilities are used primarily by the residents of the home 27837
for the aged. Vacant land currently unused by the home, and 27838
independent living facilities and the lands connected with them 27839
are not exempt from taxation. Except as provided in division 27840
(A)(1) of section 5709.121 of the Revised Code, property of a home 27841
leased for nonresidential purposes is not exempt from taxation. 27842

(2) Independent living facilities are exempt from taxation if 27843
they are operated in conjunction with or at the same site as a 27844
home for the aged described in division (B)(2) of section 5701.13 27845
of the Revised Code; operated by a corporation, association, or 27846
trust described in division (B)(1)(b) of that section; operated 27847
exclusively for the benefit of members of the corporation, 27848
association, or trust who are retired, aged, or infirm; and 27849
provided to those members without charge in consideration of their 27850
service, without compensation, to a charitable, religious, 27851
fraternal, or educational institution. For the purposes of 27852
division (C)(2) of this section, "compensation" does not include 27853
furnishing room and board, clothing, health care, or other 27854
necessities, or stipends or other de minimis payments to defray 27855
the cost thereof. 27856

(D)(1) A private corporation established under federal law, 27857
as defined in 36 U.S.C. 1101, Pub. L. No. 102-199, 105 Stat. 1629, 27858
as amended, the objects of which include encouraging the 27859
advancement of science generally, or of a particular branch of 27860
science, the promotion of scientific research, the improvement of 27861
the qualifications and usefulness of scientists, or the increase 27862
and diffusion of scientific knowledge is conclusively presumed to 27863
be a charitable or educational institution. A private corporation 27864

established as a nonprofit corporation under the laws of a state, 27865
that is exempt from federal income taxation under section 27866
501(c)(3) of the Internal Revenue Code of 1986, 100 Stat. 2085, 26 27867
U.S.C.A. 1, as amended, and has as its principal purpose one or 27868
more of the foregoing objects, also is conclusively presumed to be 27869
a charitable or educational institution. 27870

The fact that an organization described in this division 27871
operates in a manner that results in an excess of revenues over 27872
expenses shall not be used to deny the exemption granted by this 27873
section, provided such excess is used, or is held for use, for 27874
exempt purposes or to establish a reserve against future 27875
contingencies; and, provided further, that such excess may not be 27876
distributed to individual persons or to entities that would not be 27877
entitled to the tax exemptions provided by this chapter. Nor shall 27878
the fact that any scientific information diffused by the 27879
organization is of particular interest or benefit to any of its 27880
individual members be used to deny the exemption granted by this 27881
section, provided that such scientific information is available to 27882
the public for purchase or otherwise. 27883

(2) Division (D)(2) of this section does not apply to real 27884
property exempted from taxation under this section and division 27885
(A)(3) of section 5709.121 of the Revised Code and belonging to a 27886
nonprofit corporation described in division (D)(1) of this section 27887
that has received a grant under the Thomas Alva Edison grant 27888
program authorized by division (C) of section 122.33 of the 27889
Revised Code during any of the tax years the property was exempted 27890
from taxation. 27891

When a private corporation described in division (D)(1) of 27892
this section sells all or any portion of a tract, lot, or parcel 27893
of real estate that has been exempt from taxation under this 27894
section and section 5709.121 of the Revised Code, the portion sold 27895
shall be restored to the tax list for the year following the year 27896

of the sale and, except in connection with a sale and transfer of 27897
such a tract, lot, or parcel to a county land reutilization 27898
corporation organized under Chapter 1724. of the Revised Code, a 27899
charge shall be levied against the sold property in an amount 27900
equal to the tax savings on such property during the four tax 27901
years preceding the year the property is placed on the tax list. 27902
The tax savings equals the amount of the additional taxes that 27903
would have been levied if such property had not been exempt from 27904
taxation. 27905

The charge constitutes a lien of the state upon such property 27906
as of the first day of January of the tax year in which the charge 27907
is levied and continues until discharged as provided by law. The 27908
charge may also be remitted for all or any portion of such 27909
property that the tax commissioner determines is entitled to 27910
exemption from real property taxation for the year such property 27911
is restored to the tax list under any provision of the Revised 27912
Code, other than sections 725.02, 1728.10, 3735.67, 5709.40, 27913
5709.41, 5709.62, 5709.63, 5709.71, 5709.73, 5709.78, and 5709.84, 27914
upon an application for exemption covering the year such property 27915
is restored to the tax list filed under section 5715.27 of the 27916
Revised Code. 27917

(E) Real property held by an organization organized and 27918
operated exclusively for charitable purposes as described under 27919
section 501(c)(3) of the Internal Revenue Code and exempt from 27920
federal taxation under section 501(a) of the Internal Revenue 27921
Code, 26 U.S.C.A. 501(a) and (c)(3), as amended, for the purpose 27922
of constructing or rehabilitating residences for eventual transfer 27923
to qualified low-income families through sale, lease, or land 27924
installment contract, shall be exempt from taxation. 27925

The exemption shall commence on the day title to the property 27926
is transferred to the organization and shall continue to the end 27927
of the tax year in which the organization transfers title to the 27928

property to a qualified low-income family. In no case shall the 27929
exemption extend beyond the second succeeding tax year following 27930
the year in which the title was transferred to the organization. 27931
If the title is transferred to the organization and from the 27932
organization to a qualified low-income family in the same tax 27933
year, the exemption shall continue to the end of that tax year. 27934
The proportionate amount of taxes that are a lien but not yet 27935
determined, assessed, and levied for the tax year in which title 27936
is transferred to the organization shall be remitted by the county 27937
auditor for each day of the year that title is held by the 27938
organization. 27939

Upon transferring the title to another person, the 27940
organization shall file with the county auditor an affidavit 27941
affirming that the title was transferred to a qualified low-income 27942
family or that the title was not transferred to a qualified 27943
low-income family, as the case may be; if the title was 27944
transferred to a qualified low-income family, the affidavit shall 27945
identify the transferee by name. If the organization transfers 27946
title to the property to anyone other than a qualified low-income 27947
family, the exemption, if it has not previously expired, shall 27948
terminate, and the property shall be restored to the tax list for 27949
the year following the year of the transfer and a charge shall be 27950
levied against the property in an amount equal to the amount of 27951
additional taxes that would have been levied if such property had 27952
not been exempt from taxation. The charge constitutes a lien of 27953
the state upon such property as of the first day of January of the 27954
tax year in which the charge is levied and continues until 27955
discharged as provided by law. 27956

The application for exemption shall be filed as otherwise 27957
required under section 5715.27 of the Revised Code, except that 27958
the organization holding the property shall file with its 27959
application documentation substantiating its status as an 27960

organization organized and operated exclusively for charitable 27961
purposes under section 501(c)(3) of the Internal Revenue Code and 27962
its qualification for exemption from federal taxation under 27963
section 501(a) of the Internal Revenue Code, and affirming its 27964
intention to construct or rehabilitate the property for the 27965
eventual transfer to qualified low-income families. 27966

As used in this division, "qualified low-income family" means 27967
a family whose income does not exceed two hundred per cent of the 27968
official federal poverty guidelines as revised annually in 27969
accordance with section 673(2) of the "Omnibus Budget 27970
Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 9902, as 27971
amended, for a family size equal to the size of the family whose 27972
income is being determined. 27973

(F) Real property held by a county land reutilization 27974
corporation organized under Chapter 1724. of the Revised Code 27975
shall be exempt from taxation. Notwithstanding section 5715.27 of 27976
the Revised Code, a county land reutilization corporation is not 27977
required to apply to any county or state agency in order to 27978
qualify for the exemption. 27979

The exemption shall commence on the day title to the property 27980
is transferred to the corporation and shall continue to the end of 27981
the tax year in which the instrument transferring title from the 27982
corporation to another owner is recorded, if the use to which the 27983
other owner puts the property does not qualify for an exemption 27984
under this section or any other section of the Revised Code. If 27985
the title to the property is transferred to the corporation and 27986
from the corporation in the same tax year, the exemption shall 27987
continue to the end of that tax year. The proportionate amount of 27988
taxes that are a lien but not yet determined, assessed, and levied 27989
for the tax year in which title is transferred to the corporation 27990
shall be remitted by the county auditor for each day of the year 27991
that title is held by the corporation. 27992

Upon transferring the title to another person, the 27993
corporation shall file with the county auditor an affidavit 27994
affirming that the title was transferred to such other person and 27995
shall identify the transferee by name. If the corporation 27996
transfers title to the property to anyone that does not qualify or 27997
the use to which the property is put does not qualify the property 27998
for an exemption under this section or any other section of the 27999
Revised Code, the exemption, if it has not previously expired, 28000
shall terminate, and the property shall be restored to the tax 28001
list for the year following the year of the transfer. A charge 28002
shall be levied against the property in an amount equal to the 28003
amount of additional taxes that would have been levied if such 28004
property had not been exempt from taxation. The charge constitutes 28005
a lien of the state upon such property as of the first day of 28006
January of the tax year in which the charge is levied and 28007
continues until discharged as provided by law. 28008

In lieu of the application for exemption otherwise required 28009
to be filed as required under section 5715.27 of the Revised Code, 28010
a count land reutilization corporation holding the property shall, 28011
upon the request of any county or state agency, submit its 28012
articles of incorporation substantiating its status as a county 28013
land reutilization corporation. 28014

(G) Property that is owned by an organization described under 28015
section 501(c)(3) of the Internal Revenue Code and exempt from 28016
federal income taxation under section 501(a) of the Internal 28017
Revenue Code and that is used exclusively for receiving, 28018
processing, or distributing human blood, tissues, eyes, or organs 28019
or for research and development thereof shall be exempt from 28020
taxation. 28021

Sec. 5709.121. (A) Real property and tangible personal 28022
property belonging to a charitable or educational institution or 28023

to the state or a political subdivision, shall be considered as 28024
used exclusively for charitable or public purposes by such 28025
institution, the state, or political subdivision, if it meets one 28026
of the following requirements: 28027

(1) It is used by such institution, the state, or political 28028
subdivision, or by one or more other such institutions, the state, 28029
or political subdivisions under a lease, sublease, or other 28030
contractual arrangement: 28031

(a) As a community or area center in which presentations in 28032
music, dramatics, the arts, and related fields are made in order 28033
to foster public interest and education therein; 28034

(b) For other charitable, educational, or public purposes. 28035

(2) It is made available under the direction or control of 28036
such institution, the state, or political subdivision for use in 28037
furtherance of or incidental to its charitable, educational, or 28038
public purposes and not with the view to profit. 28039

(3) It is used by an organization described in division (D) 28040
of section 5709.12 of the Revised Code. If the organization is a 28041
corporation that receives a grant under the Thomas Alva Edison 28042
grant program authorized by division (C) of section 122.33 of the 28043
Revised Code at any time during the tax year, "used," for the 28044
purposes of this division, includes holding property for lease or 28045
resale to others. 28046

(B)(1) Property described in division (A)(1)(a) of this 28047
section shall continue to be considered as used exclusively for 28048
charitable or public purposes even if the property is conveyed 28049
through one conveyance or a series of conveyances to an entity 28050
that is not a charitable or educational institution and is not the 28051
state or a political subdivision, provided that all of the 28052
following conditions apply with respect to that property: 28053

(a) The property has been listed as exempt on the county 28054

auditor's tax list and duplicate for the county in which it is 28055
located for the ten tax years immediately preceding the year in 28056
which the property is conveyed through one conveyance or a series 28057
of conveyances; 28058

(b) The property is conveyed through one conveyance or a 28059
series of conveyances to an owner that does any of the following: 28060

(i) Leases the property through one lease or a series of 28061
leases to the entity that owned or occupied the property for the 28062
ten tax years immediately preceding the year in which the property 28063
is conveyed or to an affiliate of that entity; 28064

(ii) Contracts to have renovations performed as described in 28065
division (B)(1)(d) of this section and is at least partially owned 28066
by a nonprofit organization described in section 501(c)(3) of the 28067
Internal Revenue Code that is exempt from taxation under section 28068
501(a) of that code. 28069

(c) The property includes improvements that are at least 28070
fifty years old; 28071

(d) The property is being renovated in connection with a 28072
claim for historic preservation tax credits available under 28073
federal law; 28074

(e) The property continues to be used for the purposes 28075
described in division (A)(1)(a) of this section after its 28076
conveyance; and 28077

(f) The property is certified by the United States secretary 28078
of the interior as a "certified historic structure" or certified 28079
as part of a certified historic structure. 28080

(2) Notwithstanding section 5715.27 of the Revised Code, an 28081
application for exemption from taxation of property described in 28082
division (B)(1) of this section may be filed by either the owner 28083
of the property or its occupant. 28084

(C)(1) Real property, the owner or qualified lessee of which 28085
is a qualifying limited liability company, shall be considered as 28086
used exclusively for charitable or public purposes, provided all 28087
of the following apply: 28088

(a) A building on that property is a certified historic 28089
structure or part of a certified historic structure; 28090

(b) Not more than thirteen months have passed after the later 28091
of (i) the date a rehabilitation tax credit certificate is issued 28092
to the qualifying limited liability company under section 149.311 28093
of the Revised Code on the basis of that property or (ii) the last 28094
date of the recapture period under section 50 of the Internal 28095
Revenue Code for a credit claimed by the qualifying limited 28096
liability company under section 47 of the Internal Revenue Code on 28097
the basis of that property; 28098

(c) The property is used for one or more of the purposes 28099
described in division (A) of this section by the state or one or 28100
more charitable or educational institutions or political 28101
subdivisions pursuant to a lease, sublease, or other contractual 28102
arrangement with the qualifying limited liability company. 28103

(2) As used in division (C) of this section: 28104

(a) "Certified historic structure" has the same meaning as in 28105
section 47 of the Internal Revenue Code. 28106

(b) "Qualified lessee" has the same meaning as in section 28107
149.311 of the Revised Code. 28108

(c) "Qualifying limited liability company" means a limited 28109
liability company formed under the laws of this state and having a 28110
single managing member that is a charitable or educational 28111
institution, provided the limited liability company's articles of 28112
organization states both of the following: 28113

(i) That the sole purpose of the limited liability company is 28114

to rehabilitate the property of which it is the owner or qualified 28115
lessee using revenue from the tax credit authorized under section 28116
47 of the Internal Revenue Code or section 149.311 of the Revised 28117
Code; 28118

(ii) That the limited liability company's single managing 28119
member shall diligently pursue the rehabilitation of the property 28120
using revenue from one or both of those tax credits. 28121

(D) For purposes of this section, an institution that meets 28122
all of the following requirements is conclusively presumed to be a 28123
charitable institution: 28124

(1) The institution is a nonprofit corporation or 28125
association, no part of the net earnings of which inures to the 28126
benefit of any private shareholder or individual; 28127

(2) The institution is exempt from federal income taxation 28128
under section 501(a) of the Internal Revenue Code; 28129

(3) The majority of the institution's board of directors are 28130
appointed by the mayor or legislative authority of a municipal 28131
corporation or a board of county commissioners, or a combination 28132
thereof; 28133

(4) The primary purpose of the institution is to assist in 28134
the development and revitalization of downtown urban areas. 28135

Sec. 5709.40. (A) As used in this section: 28136

(1) "Blighted area" and "impacted city" have the same 28137
meanings as in section 1728.01 of the Revised Code. 28138

(2) "Business day" means a day of the week excluding 28139
Saturday, Sunday, and a legal holiday as defined under section 28140
1.14 of the Revised Code. 28141

(3) "Housing renovation" means a project carried out for 28142
residential purposes. 28143

(4) "Improvement" means the increase in the assessed value of any real property that would first appear on the tax list and duplicate of real and public utility property after the effective date of an ordinance adopted under this section were it not for the exemption granted by that ordinance.

(5) "Incentive district" means an area not more than three hundred acres in size enclosed by a continuous boundary in which a project is being, or will be, undertaken and having one or more of the following distress characteristics:

(a) At least fifty-one per cent of the residents of the district have incomes of less than eighty per cent of the median income of residents of the political subdivision in which the district is located, as determined in the same manner specified under section 119(b) of the "Housing and Community Development Act of 1974," 88 Stat. 633, 42 U.S.C. 5318, as amended;

(b) The average rate of unemployment in the district during the most recent twelve-month period for which data are available is equal to at least one hundred fifty per cent of the average rate of unemployment for this state for the same period.

(c) At least twenty per cent of the people residing in the district live at or below the poverty level as defined in the federal Housing and Community Development Act of 1974, 42 U.S.C. 5301, as amended, and regulations adopted pursuant to that act.

(d) The district is a blighted area.

(e) The district is in a situational distress area as designated by the director of development services under division (F) of section 122.23 of the Revised Code.

(f) As certified by the engineer for the political subdivision, the public infrastructure serving the district is inadequate to meet the development needs of the district as evidenced by a written economic development plan or urban renewal

plan for the district that has been adopted by the legislative authority of the subdivision. 28175
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(g) The district is comprised entirely of unimproved land that is located in a distressed area as defined in section 122.23 of the Revised Code. 28177
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(6) "Project" means development activities undertaken on one or more parcels, including, but not limited to, construction, expansion, and alteration of buildings or structures, demolition, remediation, and site development, and any building or structure that results from those activities. 28180
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(7) "Public infrastructure improvement" includes, but is not limited to, public roads and highways; water and sewer lines; environmental remediation; land acquisition, including acquisition in aid of industry, commerce, distribution, or research; demolition, including demolition on private property when determined to be necessary for economic development purposes; stormwater and flood remediation projects, including such projects on private property when determined to be necessary for public health, safety, and welfare; the provision of gas, electric, and communications service facilities, including the provision of gas or electric service facilities owned by nongovernmental entities when such improvements are determined to be necessary for economic development purposes; and the enhancement of public waterways through improvements that allow for greater public access. 28185
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(B) The legislative authority of a municipal corporation, by ordinance, may declare improvements to certain parcels of real property located in the municipal corporation to be a public purpose. Improvements with respect to a parcel that is used or to be used for residential purposes may be declared a public purpose under this division only if the parcel is located in a blighted area of an impacted city. For this purpose, "parcel that is used or to be used for residential purposes" means a parcel that, as 28199
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improved, is used or to be used for purposes that would cause the 28207
tax commissioner to classify the parcel as residential property in 28208
accordance with rules adopted by the commissioner under section 28209
5713.041 of the Revised Code. Except with the approval under 28210
division (D) of this section of the board of education of each 28211
city, local, or exempted village school district within which the 28212
improvements are located, not more than seventy-five per cent of 28213
an improvement thus declared to be a public purpose may be 28214
exempted from real property taxation for a period of not more than 28215
ten years. The ordinance shall specify the percentage of the 28216
improvement to be exempted from taxation and the life of the 28217
exemption. 28218

An ordinance adopted or amended under this division shall 28219
designate the specific public infrastructure improvements made, to 28220
be made, or in the process of being made by the municipal 28221
corporation that directly benefit, or that once made will directly 28222
benefit, the parcels for which improvements are declared to be a 28223
public purpose. The service payments provided for in section 28224
5709.42 of the Revised Code shall be used to finance the public 28225
infrastructure improvements designated in the ordinance, for the 28226
purpose described in division (D)(1) of this section or as 28227
provided in section 5709.43 of the Revised Code. 28228

(C)(1) The legislative authority of a municipal corporation 28229
may adopt an ordinance creating an incentive district and 28230
declaring improvements to parcels within the district to be a 28231
public purpose and, except as provided in division (F) of this 28232
section, exempt from taxation as provided in this section, but no 28233
legislative authority of a municipal corporation that has a 28234
population that exceeds twenty-five thousand, as shown by the most 28235
recent federal decennial census, shall adopt an ordinance that 28236
creates an incentive district if the sum of the taxable value of 28237
real property in the proposed district for the preceding tax year 28238

and the taxable value of all real property in the municipal 28239
corporation that would have been taxable in the preceding year 28240
were it not for the fact that the property was in an existing 28241
incentive district and therefore exempt from taxation exceeds 28242
twenty-five per cent of the taxable value of real property in the 28243
municipal corporation for the preceding tax year. The ordinance 28244
shall delineate the boundary of the district and specifically 28245
identify each parcel within the district. A district may not 28246
include any parcel that is or has been exempted from taxation 28247
under division (B) of this section or that is or has been within 28248
another district created under this division. An ordinance may 28249
create more than one such district, and more than one ordinance 28250
may be adopted under division (C)(1) of this section. 28251

(2) Not later than thirty days prior to adopting an ordinance 28252
under division (C)(1) of this section, if the municipal 28253
corporation intends to apply for exemptions from taxation under 28254
section 5709.911 of the Revised Code on behalf of owners of real 28255
property located within the proposed incentive district, the 28256
legislative authority of a municipal corporation shall conduct a 28257
public hearing on the proposed ordinance. Not later than thirty 28258
days prior to the public hearing, the legislative authority shall 28259
give notice of the public hearing and the proposed ordinance by 28260
first class mail to every real property owner whose property is 28261
located within the boundaries of the proposed incentive district 28262
that is the subject of the proposed ordinance. 28263

(3)(a) An ordinance adopted under division (C)(1) of this 28264
section shall specify the life of the incentive district and the 28265
percentage of the improvements to be exempted, shall designate the 28266
public infrastructure improvements made, to be made, or in the 28267
process of being made, that benefit or serve, or, once made, will 28268
benefit or serve parcels in the district. The ordinance also shall 28269
identify one or more specific projects being, or to be, undertaken 28270

in the district that place additional demand on the public 28271
infrastructure improvements designated in the ordinance. The 28272
project identified may, but need not be, the project under 28273
division (C)(3)(b) of this section that places real property in 28274
use for commercial or industrial purposes. Except as otherwise 28275
permitted under that division, the service payments provided for 28276
in section 5709.42 of the Revised Code shall be used to finance 28277
the designated public infrastructure improvements, for the purpose 28278
described in division (D)(1) or (E) of this section, or as 28279
provided in section 5709.43 of the Revised Code. 28280

An ordinance adopted under division (C)(1) of this section on 28281
or after March 30, 2006, shall not designate police or fire 28282
equipment as public infrastructure improvements, and no service 28283
payment provided for in section 5709.42 of the Revised Code and 28284
received by the municipal corporation under the ordinance shall be 28285
used for police or fire equipment. 28286

(b) An ordinance adopted under division (C)(1) of this 28287
section may authorize the use of service payments provided for in 28288
section 5709.42 of the Revised Code for the purpose of housing 28289
renovations within the incentive district, provided that the 28290
ordinance also designates public infrastructure improvements that 28291
benefit or serve the district, and that a project within the 28292
district places real property in use for commercial or industrial 28293
purposes. Service payments may be used to finance or support 28294
loans, deferred loans, and grants to persons for the purpose of 28295
housing renovations within the district. The ordinance shall 28296
designate the parcels within the district that are eligible for 28297
housing renovation. The ordinance shall state separately the 28298
amounts or the percentages of the expected aggregate service 28299
payments that are designated for each public infrastructure 28300
improvement and for the general purpose of housing renovations. 28301

(4) Except with the approval of the board of education of 28302

each city, local, or exempted village school district within the 28303
territory of which the incentive district is or will be located, 28304
and subject to division (E) of this section, the life of an 28305
incentive district shall not exceed ten years, and the percentage 28306
of improvements to be exempted shall not exceed seventy-five per 28307
cent. With approval of the board of education, the life of a 28308
district may be not more than thirty years, and the percentage of 28309
improvements to be exempted may be not more than one hundred per 28310
cent. The approval of a board of education shall be obtained in 28311
the manner provided in division (D) of this section. 28312

(D)(1) If the ordinance declaring improvements to a parcel to 28313
be a public purpose or creating an incentive district specifies 28314
that payments in lieu of taxes provided for in section 5709.42 of 28315
the Revised Code shall be paid to the city, local, or exempted 28316
village, and joint vocational school district in which the parcel 28317
or incentive district is located in the amount of the taxes that 28318
would have been payable to the school district if the improvements 28319
had not been exempted from taxation, the percentage of the 28320
improvement that may be exempted from taxation may exceed 28321
seventy-five per cent, and the exemption may be granted for up to 28322
thirty years, without the approval of the board of education as 28323
otherwise required under division (D)(2) of this section. 28324

(2) Improvements with respect to a parcel may be exempted 28325
from taxation under division (B) of this section, and improvements 28326
to parcels within an incentive district may be exempted from 28327
taxation under division (C) of this section, for up to ten years 28328
or, with the approval under this paragraph of the board of 28329
education of the city, local, or exempted village school district 28330
within which the parcel or district is located, for up to thirty 28331
years. The percentage of the improvement exempted from taxation 28332
may, with such approval, exceed seventy-five per cent, but shall 28333
not exceed one hundred per cent. Not later than forty-five 28334

business days prior to adopting an ordinance under this section 28335
declaring improvements to be a public purpose that is subject to 28336
approval by a board of education under this division, the 28337
legislative authority shall deliver to the board of education a 28338
notice stating its intent to adopt an ordinance making that 28339
declaration. The notice regarding improvements with respect to a 28340
parcel under division (B) of this section shall identify the 28341
parcels for which improvements are to be exempted from taxation, 28342
provide an estimate of the true value in money of the 28343
improvements, specify the period for which the improvements would 28344
be exempted from taxation and the percentage of the improvement 28345
that would be exempted, and indicate the date on which the 28346
legislative authority intends to adopt the ordinance. The notice 28347
regarding improvements to parcels within an incentive district 28348
under division (C) of this section shall delineate the boundaries 28349
of the district, specifically identify each parcel within the 28350
district, identify each anticipated improvement in the district, 28351
provide an estimate of the true value in money of each such 28352
improvement, specify the life of the district and the percentage 28353
of improvements that would be exempted, and indicate the date on 28354
which the legislative authority intends to adopt the ordinance. 28355
The board of education, by resolution adopted by a majority of the 28356
board, may approve the exemption for the period or for the 28357
exemption percentage specified in the notice; may disapprove the 28358
exemption for the number of years in excess of ten, may disapprove 28359
the exemption for the percentage of the improvement to be exempted 28360
in excess of seventy-five per cent, or both; or may approve the 28361
exemption on the condition that the legislative authority and the 28362
board negotiate an agreement providing for compensation to the 28363
school district equal in value to a percentage of the amount of 28364
taxes exempted in the eleventh and subsequent years of the 28365
exemption period or, in the case of exemption percentages in 28366
excess of seventy-five per cent, compensation equal in value to a 28367

percentage of the taxes that would be payable on the portion of 28368
the improvement in excess of seventy-five per cent were that 28369
portion to be subject to taxation, or other mutually agreeable 28370
compensation. If an agreement is negotiated between the 28371
legislative authority and the board to compensate the school 28372
district for all or part of the taxes exempted, including 28373
agreements for payments in lieu of taxes under section 5709.42 of 28374
the Revised Code, the legislative authority shall compensate the 28375
joint vocational school district within which the parcel or 28376
district is located at the same rate and under the same terms 28377
received by the city, local, or exempted village school district. 28378

(3) The board of education shall certify its resolution to 28379
the legislative authority not later than fourteen days prior to 28380
the date the legislative authority intends to adopt the ordinance 28381
as indicated in the notice. If the board of education and the 28382
legislative authority negotiate a mutually acceptable compensation 28383
agreement, the ordinance may declare the improvements a public 28384
purpose for the number of years specified in the ordinance or, in 28385
the case of exemption percentages in excess of seventy-five per 28386
cent, for the exemption percentage specified in the ordinance. In 28387
either case, if the board and the legislative authority fail to 28388
negotiate a mutually acceptable compensation agreement, the 28389
ordinance may declare the improvements a public purpose for not 28390
more than ten years, and shall not exempt more than seventy-five 28391
per cent of the improvements from taxation. If the board fails to 28392
certify a resolution to the legislative authority within the time 28393
prescribed by this division, the legislative authority thereupon 28394
may adopt the ordinance and may declare the improvements a public 28395
purpose for up to thirty years, or, in the case of exemption 28396
percentages proposed in excess of seventy-five per cent, for the 28397
exemption percentage specified in the ordinance. The legislative 28398
authority may adopt the ordinance at any time after the board of 28399
education certifies its resolution approving the exemption to the 28400

legislative authority, or, if the board approves the exemption on 28401
the condition that a mutually acceptable compensation agreement be 28402
negotiated, at any time after the compensation agreement is agreed 28403
to by the board and the legislative authority. 28404

(4) If a board of education has adopted a resolution waiving 28405
its right to approve exemptions from taxation under this section 28406
and the resolution remains in effect, approval of exemptions by 28407
the board is not required under division (D) of this section. If a 28408
board of education has adopted a resolution allowing a legislative 28409
authority to deliver the notice required under division (D) of 28410
this section fewer than forty-five business days prior to the 28411
legislative authority's adoption of the ordinance, the legislative 28412
authority shall deliver the notice to the board not later than the 28413
number of days prior to such adoption as prescribed by the board 28414
in its resolution. If a board of education adopts a resolution 28415
waiving its right to approve agreements or shortening the 28416
notification period, the board shall certify a copy of the 28417
resolution to the legislative authority. If the board of education 28418
rescinds such a resolution, it shall certify notice of the 28419
rescission to the legislative authority. 28420

(5) If the legislative authority is not required by division 28421
(D) of this section to notify the board of education of the 28422
legislative authority's intent to declare improvements to be a 28423
public purpose, the legislative authority shall comply with the 28424
notice requirements imposed under section 5709.83 of the Revised 28425
Code, unless the board has adopted a resolution under that section 28426
waiving its right to receive such a notice. 28427

(E)(1) If a proposed ordinance under division (C)(1) of this 28428
section exempts improvements with respect to a parcel within an 28429
incentive district for more than ten years, or the percentage of 28430
the improvement exempted from taxation exceeds seventy-five per 28431
cent, not later than forty-five business days prior to adopting 28432

the ordinance the legislative authority of the municipal 28433
corporation shall deliver to the board of county commissioners of 28434
the county within which the incentive district will be located a 28435
notice that states its intent to adopt an ordinance creating an 28436
incentive district. The notice shall include a copy of the 28437
proposed ordinance, identify the parcels for which improvements 28438
are to be exempted from taxation, provide an estimate of the true 28439
value in money of the improvements, specify the period of time for 28440
which the improvements would be exempted from taxation, specify 28441
the percentage of the improvements that would be exempted from 28442
taxation, and indicate the date on which the legislative authority 28443
intends to adopt the ordinance. 28444

(2) The board of county commissioners, by resolution adopted 28445
by a majority of the board, may object to the exemption for the 28446
number of years in excess of ten, may object to the exemption for 28447
the percentage of the improvement to be exempted in excess of 28448
seventy-five per cent, or both. If the board of county 28449
commissioners objects, the board may negotiate a mutually 28450
acceptable compensation agreement with the legislative authority. 28451
In no case shall the compensation provided to the board exceed the 28452
property taxes forgone due to the exemption. If the board of 28453
county commissioners objects, and the board and legislative 28454
authority fail to negotiate a mutually acceptable compensation 28455
agreement, the ordinance adopted under division (C)(1) of this 28456
section shall provide to the board compensation in the eleventh 28457
and subsequent years of the exemption period equal in value to not 28458
more than fifty per cent of the taxes that would be payable to the 28459
county or, if the board's objection includes an objection to an 28460
exemption percentage in excess of seventy-five per cent, 28461
compensation equal in value to not more than fifty per cent of the 28462
taxes that would be payable to the county, on the portion of the 28463
improvement in excess of seventy-five per cent, were that portion 28464
to be subject to taxation. The board of county commissioners shall 28465

certify its resolution to the legislative authority not later than 28466
thirty days after receipt of the notice. 28467

(3) If the board of county commissioners does not object or 28468
fails to certify its resolution objecting to an exemption within 28469
thirty days after receipt of the notice, the legislative authority 28470
may adopt the ordinance, and no compensation shall be provided to 28471
the board of county commissioners. If the board timely certifies 28472
its resolution objecting to the ordinance, the legislative 28473
authority may adopt the ordinance at any time after a mutually 28474
acceptable compensation agreement is agreed to by the board and 28475
the legislative authority, or, if no compensation agreement is 28476
negotiated, at any time after the legislative authority agrees in 28477
the proposed ordinance to provide compensation to the board of 28478
fifty per cent of the taxes that would be payable to the county in 28479
the eleventh and subsequent years of the exemption period or on 28480
the portion of the improvement in excess of seventy-five per cent, 28481
were that portion to be subject to taxation. 28482

(F) Service payments in lieu of taxes that are attributable 28483
to any amount by which the effective tax rate of either a renewal 28484
levy with an increase or a replacement levy exceeds the effective 28485
tax rate of the levy renewed or replaced, or that are attributable 28486
to an additional levy, for a levy authorized by the voters for any 28487
of the following purposes on or after January 1, 2006, and which 28488
are provided pursuant to an ordinance creating an incentive 28489
district under division (C)(1) of this section that is adopted on 28490
or after January 1, 2006, shall be distributed to the appropriate 28491
taxing authority as required under division (C) of section 5709.42 28492
of the Revised Code in an amount equal to the amount of taxes from 28493
that additional levy or from the increase in the effective tax 28494
rate of such renewal or replacement levy that would have been 28495
payable to that taxing authority from the following levies were it 28496
not for the exemption authorized under division (C) of this 28497

section:	28498
(1) A tax levied under division (L) of section 5705.19 or	28499
section 5705.191 of the Revised Code for community mental	28500
retardation and developmental disabilities programs and services	28501
pursuant to Chapter 5126. of the Revised Code;	28502
(2) A tax levied under division (Y) of section 5705.19 of the	28503
Revised Code for providing or maintaining senior citizens services	28504
or facilities;	28505
(3) A tax levied under section 5705.22 of the Revised Code	28506
for county hospitals;	28507
(4) A tax levied by a joint-county district or by a county	28508
under section 5705.19, 5705.191, or 5705.221 of the Revised Code	28509
for alcohol, drug addiction, and mental health services or	28510
facilities;	28511
(5) A tax levied under section 5705.23 of the Revised Code	28512
for library purposes;	28513
(6) A tax levied under section 5705.24 of the Revised Code	28514
for the support of children services and the placement and care of	28515
children;	28516
(7) A tax levied under division (Z) of section 5705.19 of the	28517
Revised Code for the provision and maintenance of zoological park	28518
services and facilities under section 307.76 of the Revised Code;	28519
(8) A tax levied under section 511.27 or division (H) of	28520
section 5705.19 of the Revised Code for the support of township	28521
park districts;	28522
(9) A tax levied under division (A), (F), or (H) of section	28523
5705.19 of the Revised Code for parks and recreational purposes of	28524
a joint recreation district organized pursuant to division (B) of	28525
section 755.14 of the Revised Code;	28526
(10) A tax levied under section 1545.20 or 1545.21 of the	28527

Revised Code for park district purposes;	28528
(11) A tax levied under section 5705.191 of the Revised Code	28529
for the purpose of making appropriations for public assistance;	28530
human or social services; public relief; public welfare; public	28531
health and hospitalization; and support of general hospitals;	28532
(12) A tax levied under section 3709.29 of the Revised Code	28533
for a general health district program.	28534
(G) An exemption from taxation granted under this section	28535
commences with the tax year specified in the ordinance so long as	28536
the year specified in the ordinance commences after the effective	28537
date of the ordinance. If the ordinance specifies a year	28538
commencing before the effective date of the resolution or	28539
specifies no year whatsoever, the exemption commences with the tax	28540
year in which an exempted improvement first appears on the tax	28541
list and duplicate of real and public utility property and that	28542
commences after the effective date of the ordinance. In lieu of	28543
stating a specific year, the ordinance may provide that the	28544
exemption commences in the tax year in which the value of an	28545
improvement exceeds a specified amount or in which the	28546
construction of one or more improvements is completed, provided	28547
that such tax year commences after the effective date of the	28548
ordinance. With respect to the exemption of improvements to	28549
parcels under division (B) of this section, the ordinance may	28550
allow for the exemption to commence in different tax years on a	28551
parcel-by-parcel basis, with a separate exemption term specified	28552
for each parcel.	28553
Except as otherwise provided in this division, the exemption	28554
ends on the date specified in the ordinance as the date the	28555
improvement ceases to be a public purpose or the incentive	28556
district expires, or ends on the date on which the public	28557
infrastructure improvements and housing renovations are paid in	28558
full from the municipal public improvement tax increment	28559

equivalent fund established under division (A) of section 5709.43 28560
of the Revised Code, whichever occurs first. The exemption of an 28561
improvement with respect to a parcel or within an incentive 28562
district may end on a later date, as specified in the ordinance, 28563
if the legislative authority and the board of education of the 28564
city, local, or exempted village school district within which the 28565
parcel or district is located have entered into a compensation 28566
agreement under section 5709.82 of the Revised Code with respect 28567
to the improvement, and the board of education has approved the 28568
term of the exemption under division (D)(2) of this section, but 28569
in no case shall the improvement be exempted from taxation for 28570
more than thirty years. Exemptions shall be claimed and allowed in 28571
the same manner as in the case of other real property exemptions. 28572
If an exemption status changes during a year, the procedure for 28573
the apportionment of the taxes for that year is the same as in the 28574
case of other changes in tax exemption status during the year. 28575

(H) Additional municipal financing of public infrastructure 28576
improvements and housing renovations may be provided by any 28577
methods that the municipal corporation may otherwise use for 28578
financing such improvements or renovations. If the municipal 28579
corporation issues bonds or notes to finance the public 28580
infrastructure improvements and housing renovations and pledges 28581
money from the municipal public improvement tax increment 28582
equivalent fund to pay the interest on and principal of the bonds 28583
or notes, the bonds or notes are not subject to Chapter 133. of 28584
the Revised Code. 28585

(I) The municipal corporation, not later than fifteen days 28586
after the adoption of an ordinance under this section, shall 28587
submit to the director of development services a copy of the 28588
ordinance. On or before the thirty-first day of March of each 28589
year, the municipal corporation shall submit a status report to 28590
the director of development services. The report shall indicate, 28591

in the manner prescribed by the director, the progress of the 28592
project during each year that an exemption remains in effect, 28593
including a summary of the receipts from service payments in lieu 28594
of taxes; expenditures of money from the funds created under 28595
section 5709.43 of the Revised Code; a description of the public 28596
infrastructure improvements and housing renovations financed with 28597
such expenditures; and a quantitative summary of changes in 28598
employment and private investment resulting from each project. 28599

(J) Nothing in this section shall be construed to prohibit a 28600
legislative authority from declaring to be a public purpose 28601
improvements with respect to more than one parcel. 28602

(K) If a parcel is located in a new community district in 28603
which the new community authority imposes a community development 28604
charge on the basis of rentals received from leases of real 28605
property as described in division (L)(2) of section 349.01 of the 28606
Revised Code, the parcel may not be exempted from taxation under 28607
this section. 28608

Sec. 5713.012. (A) For purposes of this section: 28609

(1) "Mass appraisal project" means any sexennial reappraisal, 28610
triennial update, or other revaluation of all real property or the 28611
valuation of newly constructed real property in accordance with 28612
section 5713.01 of the Revised Code. 28613

(2) "Qualified project manager" means a person who plans, 28614
manages, coordinates, and controls the execution of a mass 28615
appraisal project under the direction of the county auditor and 28616
who has all of the following qualifications: 28617

(a) Has passed a comprehensive final examination that 28618
corresponds to a course, approved by the superintendent of real 28619
estate and professional licensing, that consists of at least 28620
thirty hours of instruction, quizzes, and learning aids. The 28621

superintendent shall not approve a course under this division that 28622
does not address the following topics in both the instruction and 28623
the examination: 28624

(i) Concepts and principles of mass appraisal as they relate 28625
to the assessment of real property for the purposes of ad valorem 28626
taxation; 28627

(ii) Methods of data collection and data management relative 28628
to parcels of real property, including modern alternative data 28629
collection methods and currently utilized computer-assisted mass 28630
appraisal systems; 28631

(iii) Assessment sales-ratio study including various measures 28632
of central tendency, the various measures of dispersion of data 28633
about the mean, median, and dollar-weighted mean, and the 28634
advantages and disadvantages of various analysis techniques; 28635

(iv) Traditional approaches of property valuation, including 28636
the cost approach, the sales comparison approach, and the income 28637
approach, as they are implemented in a mass appraisal project; 28638

(v) Methods and systems for model building and model 28639
calibration as related to mass appraisal of real property; 28640

(vi) Methods of production management and project analysis 28641
such as Gantt charts, program evaluation and review technique 28642
(PERT) charts, frequency distribution charts, line graphs, bar 28643
charts, and scatter diagrams, as they are utilized in the mass 28644
appraisal area. 28645

(b) Has completed at least seven hours of continuing 28646
education courses in mass appraisal during the two-year period 28647
immediately succeeding the year in which the person passed the 28648
examination required in division (A)(2)(a) of this section, and 28649
during each two-year period thereafter. 28650

(B)(1) The county auditor, in acting as the assessor of all 28651

real property in the auditor's county for taxation purposes in 28652
accordance with section 5713.01 of the Revised Code, shall involve 28653
at least one qualified project manager in each mass ~~assessment~~ 28654
appraisal project that originates more than two years after the 28655
effective date of the enactment of this section by H.B. 487 of the 28656
129th general assembly, September 10, 2012. 28657

(2) The tax commissioner, beginning two years after the 28658
effective date of the enactment of this section by H.B. 487 of the 28659
129th general assembly, September 10, 2012, shall not approve any 28660
contract entered into by the auditor under division (E) of section 28661
5713.01 of the Revised Code, with a person to do all or any part 28662
of the work necessary to the performance of the auditor's duties 28663
as assessor unless that person designates an officer or employee 28664
of that person, with the appropriate credentials, to act as a 28665
qualified project manager. 28666

(3) The tax commissioner, beginning two years after the 28667
effective date of the enactment of this section by H.B. 487 of the 28668
129th general assembly, September 10, 2012, shall not include any 28669
person that has not designated an officer or employee, with the 28670
appropriate credentials, to act as a qualified project manager on 28671
a list generated by the commissioner for either of the following 28672
purposes: 28673

(a) To assist county auditors in selecting a person to do all 28674
or any part of the work necessary to the performance of the 28675
auditor's duties as assessor of all real property under section 28676
5713.01 of the Revised Code; 28677

(b) To assist the commissioner in the consideration of 28678
whether to approve or disapprove the auditor's application 28679
requesting authority to employ an appraisal firm or individual 28680
appraiser. 28681

(C) The superintendent of real estate and professional 28682

licensing shall adopt reasonable rules in accordance with Chapter 28683
119. of the Revised Code necessary for the implementation of this 28684
section, including rules establishing both of the following: 28685

(1) The form and manner by which persons may apply to the 28686
superintendent to offer a thirty-hour course or continuing 28687
education course as described in division (A)(2) of this section; 28688

(2) Standards to be used by the superintendent in approving a 28689
thirty-hour course or continuing education course described in 28690
division (A)(2) of this section. 28691

Sec. 5713.08. (A)(1) The county auditor shall make a list of 28692
all real and personal property in the auditor's county that is 28693
exempted from taxation. Such list shall show the name of the 28694
owner, the value of the property exempted, and a statement in 28695
brief form of the ground on which such exemption has been granted. 28696
It shall be corrected annually by adding thereto the items of 28697
property which have been exempted during the year, and by striking 28698
therefrom the items which in the opinion of the auditor have lost 28699
their right of exemption and which have been reentered on the 28700
taxable list, but no property shall be struck from the exempt 28701
property list solely ~~because the~~ for any of the following reasons: 28702

(a) The property has been conveyed to a single member limited 28703
liability company with a nonprofit purpose from its nonprofit 28704
member ~~or because the;~~ 28705

(b) The property has been conveyed by a single member limited 28706
liability company with a nonprofit purpose to its nonprofit 28707
member; 28708

(c) The property has been conveyed to a qualifying limited 28709
liability company and the property is considered as used 28710
exclusively for charitable or public purposes under division (C) 28711
of section 5709.121 of the Revised Code. As used in divisions 28712

(A)(1)(c) and (d) of this section, "qualifying limited liability company" has the same meaning as in division (C) of section 5709.121 of the Revised Code. 28713
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(d) The property described in division (A)(1)(c) of this section has been conveyed by the qualifying limited liability company to the sole managing member of that qualifying limited liability company. No 28716
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No additions shall be made to such exempt lists and no 28720
additional items of property shall be exempted from taxation 28721
without the consent of the tax commissioner as is provided for in 28722
section 5715.27 of the Revised Code or without the consent of the 28723
housing officer under section 3735.67 of the Revised Code, except 28724
for property exempted by the auditor under that section or 28725
qualifying agricultural real property, as defined in section 28726
5709.28 of the Revised Code, that is enrolled in an agriculture 28727
security area that is exempt under that section. The commissioner 28728
may revise at any time the list in every county so that no 28729
property is improperly or illegally exempted from taxation. The 28730
auditor shall follow the orders of the commissioner given under 28731
this section. An abstract of such list shall be filed annually 28732
with the commissioner, on a form approved by the commissioner, and 28733
a copy thereof shall be kept on file in the office of each auditor 28734
for public inspection. 28735

(2) An application for exemption of property shall include a 28736
certificate executed by the county treasurer certifying one of the 28737
following: 28738

(1)(a) That all taxes, interest, and penalties levied and 28739
assessed against the property sought to be exempted have been paid 28740
in full for all of the tax years preceding the tax year for which 28741
the application for exemption is filed, except for such taxes, 28742
interest, and penalties that may be remitted under division (C) of 28743
this section; 28744

~~(2)~~(b) That the applicant has entered into a valid delinquent 28745
tax contract with the county treasurer pursuant to division (A) of 28746
section 323.31 of the Revised Code to pay all of the delinquent 28747
taxes, interest, and penalties charged against the property, 28748
except for such taxes, interest, and penalties that may be 28749
remitted under division (C) of this section. If the auditor 28750
receives notice under section 323.31 of the Revised Code that such 28751
a written delinquent tax contract has become void, the auditor 28752
shall strike such property from the list of exempted property and 28753
reenter such property on the taxable list. If property is removed 28754
from the exempt list because a written delinquent tax contract has 28755
become void, current taxes shall first be extended against that 28756
property on the general tax list and duplicate of real and public 28757
utility property for the tax year in which the auditor receives 28758
the notice required by division (A) of section 323.31 of the 28759
Revised Code that the delinquent tax contract has become void or, 28760
if that notice is not timely made, for the tax year in which falls 28761
the latest date by which the treasurer is required by such section 28762
to give such notice. A county auditor shall not remove from any 28763
tax list and duplicate the amount of any unpaid delinquent taxes, 28764
assessments, interest, or penalties owed on property that is 28765
placed on the exempt list pursuant to this division. 28766

~~(3)~~(c) That a tax certificate has been issued under section 28767
5721.32 or 5721.33 of the Revised Code with respect to the 28768
property that is the subject of the application, and the tax 28769
certificate is outstanding. 28770

(B) If the treasurer's certificate is not included with the 28771
application or the certificate reflects unpaid taxes, penalties, 28772
and interest that may not be remitted, the tax commissioner or 28773
county auditor with whom the application was filed shall notify 28774
the property owner of that fact, and the applicant shall be given 28775
sixty days from the date that notification was mailed in which to 28776

provide the tax commissioner or county auditor with a corrected 28777
treasurer's certificate. If a corrected treasurer's certificate is 28778
not received within the time permitted, the tax commissioner or 28779
county auditor does not have authority to consider the tax 28780
exemption application. 28781

(C) Any taxes, interest, and penalties which have become a 28782
lien after the property was first used for the exempt purpose, but 28783
in no case prior to the date of acquisition of the title to the 28784
property by the applicant, may be remitted by the commissioner or 28785
county auditor, except as is provided in division (A) of section 28786
5713.081 of the Revised Code. 28787

(D) Real property acquired by the state in fee simple is 28788
exempt from taxation from the date of acquisition of title or date 28789
of possession, whichever is the earlier date, provided that all 28790
taxes, interest, and penalties as provided in the apportionment 28791
provisions of section 319.20 of the Revised Code have been paid to 28792
the date of acquisition of title or date of possession by the 28793
state, whichever is earlier. The proportionate amount of taxes 28794
that are a lien but not yet determined, assessed, and levied for 28795
the year in which the property is acquired, shall be remitted by 28796
the county auditor for the balance of the year from date of 28797
acquisition of title or date of possession, whichever is earlier. 28798
This section shall not be construed to authorize the exemption of 28799
such property from taxation or the remission of taxes, interest, 28800
and penalties thereon until all private use has terminated. 28801

Sec. 5715.19. (A) As used in this section, "member" has the 28802
same meaning as in section 1705.01 of the Revised Code. 28803

(1) Subject to division (A)(2) of this section, a complaint 28804
against any of the following determinations for the current tax 28805
year shall be filed with the county auditor on or before the 28806
thirty-first day of March of the ensuing tax year or the date of 28807

closing of the collection for the first half of real and public utility property taxes for the current tax year, whichever is later: 28808
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(a) Any classification made under section 5713.041 of the Revised Code; 28811
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(b) Any determination made under section 5713.32 or 5713.35 of the Revised Code; 28813
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(c) Any recoupment charge levied under section 5713.35 of the Revised Code; 28815
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(d) The determination of the total valuation or assessment of any parcel that appears on the tax list, except parcels assessed by the tax commissioner pursuant to section 5727.06 of the Revised Code; 28817
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(e) The determination of the total valuation of any parcel that appears on the agricultural land tax list, except parcels assessed by the tax commissioner pursuant to section 5727.06 of the Revised Code; 28821
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(f) Any determination made under division (A) of section 319.302 of the Revised Code. 28825
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If such a complaint is filed by mail or certified mail, the date of the United States postmark placed on the envelope or sender's receipt by the postal service shall be treated as the date of filing. A private meter postmark on an envelope is not a valid postmark for purposes of establishing the filing date. 28827
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Any person owning taxable real property in the county or in a taxing district with territory in the county; such a person's spouse; an individual who is retained by such a person and who holds a designation from a professional assessment organization, such as the institute for professionals in taxation, the national council of property taxation, or the international association of 28832
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assessing officers; a public accountant who holds a permit under 28838
section 4701.10 of the Revised Code, a general or residential real 28839
estate appraiser licensed or certified under Chapter 4763. of the 28840
Revised Code, or a real estate broker licensed under Chapter 4735. 28841
of the Revised Code, who is retained by such a person; if the 28842
person is a firm, company, association, partnership, limited 28843
liability company, or corporation, an officer, a salaried 28844
employee, a partner, or a member of that person; or, if the person 28845
is a trust, a trustee of the trust; ~~the board of county~~ 28846
~~commissioners; the prosecuting attorney or treasurer of the~~ 28847
~~county; the board of township trustees of any township with~~ 28848
~~territory within the county; the board of education of any school~~ 28849
~~district with any territory in the county; or the mayor or~~ 28850
~~legislative authority of any municipal corporation with any~~ 28851
~~territory in the county~~ may file such a complaint regarding any 28852
such determination affecting any real property owned by the person 28853
in the county, ~~except that a person owning taxable real property~~ 28854
~~in another county may file such a complaint only with regard to~~ 28855
~~any such determination affecting real property in the county that~~ 28856
~~is located in the same taxing district as that person's real~~ 28857
~~property is located. A county recorder may, at the recorder's~~ 28858
discretion, file such a complaint regarding any such determination 28859
affecting any real property in the county. No person, board, 28860
officer, or other entity may compel a county recorder to file such 28861
a complaint. The board of county commissioners, the prosecuting 28862
attorney or treasurer of the county, the board of township 28863
trustees of any township with territory within the county, the 28864
board of education of any school district with any territory in 28865
the county, or the mayor or legislative authority of any municipal 28866
corporation with any territory in the county may file such a 28867
complaint only as a counterclaim to a complaint filed by the 28868
property owner, the property owner's spouse, or an individual 28869
retained by the property owner or the property owner's spouse who 28870

is authorized to file a complaint under this section. The county 28871
auditor shall present to the county board of revision all 28872
complaints filed with the auditor. 28873

(2) As used in division (A)(2) of this section, "interim 28874
period" means, for each county, the tax year to which section 28875
5715.24 of the Revised Code applies and each subsequent tax year 28876
until the tax year in which that section applies again. 28877

No person, board, or officer shall file a complaint against 28878
the valuation or assessment of any parcel that appears on the tax 28879
list if ~~it~~ the person, board, or officer filed a complaint against 28880
the valuation or assessment of that parcel for any prior tax year 28881
in the same interim period, unless the person, board, or officer 28882
alleges that the valuation or assessment should be changed due to 28883
one or more of the following circumstances that occurred after the 28884
tax lien date for the tax year for which the prior complaint was 28885
filed and that the circumstances were not taken into consideration 28886
with respect to the prior complaint: 28887

(a) The property was sold in an arm's length transaction, as 28888
described in section 5713.03 of the Revised Code; 28889

(b) The property lost value due to some casualty; 28890

(c) Substantial improvement was added to the property; 28891

(d) An increase or decrease of at least fifteen per cent in 28892
the property's occupancy has had a substantial economic impact on 28893
the property. 28894

(3) If a county board of revision, the board of tax appeals, 28895
or any court dismisses a complaint filed under this section or 28896
section 5715.13 of the Revised Code for the reason that the act of 28897
filing the complaint was the unauthorized practice of law or the 28898
person filing the complaint was engaged in the unauthorized 28899
practice of law, the party affected by a decrease in valuation or 28900
the party's agent, or the person owning taxable real property in 28901

the county or in a taxing district with territory in the county, 28902
may refile the complaint, notwithstanding division (A)(2) of this 28903
section. 28904

(4) Notwithstanding division (A)(2) of this section, a 28905
person, board, or officer ~~may~~ authorized by division (A)(1) of 28906
this section to file a complaint against the valuation or 28907
assessment of ~~any~~ a parcel that appears on the tax list may file 28908
such a complaint if ~~it~~ the person, board, or officer filed a 28909
complaint against the valuation or assessment of that parcel for 28910
any prior tax year in the same interim period ~~if the person,~~ 28911
~~board, or officer~~ but withdrew the complaint before the complaint 28912
was heard by the board of revision. 28913

(B) Within thirty days after the last date such complaints 28914
may be filed, the auditor shall give notice of each complaint in 28915
which the stated amount of overvaluation, undervaluation, 28916
discriminatory valuation, illegal valuation, or incorrect 28917
determination is at least seventeen thousand five hundred dollars 28918
to each property owner whose property is the subject of the 28919
complaint, if the complaint was not filed by the owner or the 28920
owner's spouse, and to each board of education whose school 28921
district may be affected by the complaint. Within thirty days 28922
after receiving such notice, a board of education; a property 28923
owner; the owner's spouse; an individual who is retained by such 28924
an owner and who holds a designation from a professional 28925
assessment organization, such as the institute for professionals 28926
in taxation, the national council of property taxation, or the 28927
international association of assessing officers; a public 28928
accountant who holds a permit under section 4701.10 of the Revised 28929
Code, a general or residential real estate appraiser licensed or 28930
certified under Chapter 4763. of the Revised Code, or a real 28931
estate broker licensed under Chapter 4735. of the Revised Code, 28932
who is retained by such a person; or, if the property owner is a 28933

firm, company, association, partnership, limited liability 28934
company, corporation, or trust, an officer, a salaried employee, a 28935
partner, a member, or trustee of that property owner, may file a 28936
complaint in support of or objecting to the amount of alleged 28937
overvaluation, undervaluation, discriminatory valuation, illegal 28938
valuation, or incorrect determination stated in a previously filed 28939
complaint or objecting to the current valuation. Upon the filing 28940
of a complaint under this division, the board of education or the 28941
property owner shall be made a party to the action. 28942

(C) Each board of revision shall notify any complainant and 28943
also the property owner, if the property owner's address is known, 28944
when a complaint is filed by one other than the property owner, by 28945
certified mail, not less than ten days prior to the hearing, of 28946
the time and place the same will be heard. The board of revision 28947
shall hear and render its decision on a complaint within ninety 28948
days after the filing thereof with the board, except that if a 28949
complaint is filed within thirty days after receiving notice from 28950
the auditor as provided in division (B) of this section, the board 28951
shall hear and render its decision within ninety days after such 28952
filing. 28953

(D) The determination of any such complaint shall relate back 28954
to the date when the lien for taxes or recoupment charges for the 28955
current year attached or the date as of which liability for such 28956
year was determined. Liability for taxes and recoupment charges 28957
for such year and each succeeding year until the complaint is 28958
finally determined and for any penalty and interest for nonpayment 28959
thereof within the time required by law shall be based upon the 28960
determination, valuation, or assessment as finally determined. 28961
Each complaint shall state the amount of overvaluation, 28962
undervaluation, discriminatory valuation, illegal valuation, or 28963
incorrect classification or determination upon which the complaint 28964
is based. The treasurer shall accept any amount tendered as taxes 28965

or recoupment charge upon property concerning which a complaint is 28966
then pending, computed upon the claimed valuation as set forth in 28967
the complaint. If a complaint filed under this section for the 28968
current year is not determined by the board within the time 28969
prescribed for such determination, the complaint and any 28970
proceedings in relation thereto shall be continued by the board as 28971
a valid complaint for any ensuing year until such complaint is 28972
finally determined by the board or upon any appeal from a decision 28973
of the board. In such case, the original complaint shall continue 28974
in effect without further filing by the ~~original taxpayer, the~~ 28975
~~original taxpayer's assignee, or any other person or entity~~ 28976
~~authorized to file a complaint under this section~~ parties to the 28977
action. 28978

(E) If a taxpayer files a complaint ~~as to the classification,~~ 28979
~~valuation, assessment, or any determination affecting the~~ 28980
~~taxpayer's own property~~ under this section and tenders less than 28981
the full amount of taxes or recoupment charges as finally 28982
determined, an interest charge shall accrue as follows: 28983

(1) If the amount finally determined is less than the amount 28984
billed but more than the amount tendered, the taxpayer shall pay 28985
interest at the rate per annum prescribed by section 5703.47 of 28986
the Revised Code, computed from the date that the taxes were due 28987
on the difference between the amount finally determined and the 28988
amount tendered. This interest charge shall be in lieu of any 28989
penalty or interest charge under section 323.121 of the Revised 28990
Code unless the taxpayer failed to file a complaint and tender an 28991
amount as taxes or recoupment charges within the time required by 28992
this section, in which case section 323.121 of the Revised Code 28993
applies. 28994

(2) If the amount of taxes finally determined is equal to or 28995
greater than the amount billed and more than the amount tendered, 28996
the taxpayer shall pay interest at the rate prescribed by section 28997

5703.47 of the Revised Code from the date the taxes were due on 28998
the difference between the amount finally determined and the 28999
amount tendered, such interest to be in lieu of any interest 29000
charge but in addition to any penalty prescribed by section 29001
323.121 of the Revised Code. 29002

(F) Upon request of a complainant, the tax commissioner shall 29003
determine the common level of assessment of real property in the 29004
county for the year stated in the request that is not valued under 29005
section 5713.31 of the Revised Code, which common level of 29006
assessment shall be expressed as a percentage of true value and 29007
the common level of assessment of lands valued under such section, 29008
which common level of assessment shall also be expressed as a 29009
percentage of the current agricultural use value of such lands. 29010
Such determination shall be made on the basis of the most recent 29011
available sales ratio studies of the commissioner and such other 29012
factual data as the commissioner deems pertinent. 29013

(G) A complainant shall provide to the board of revision all 29014
information or evidence within the complainant's knowledge or 29015
possession that affects the real property that is the subject of 29016
the complaint. A complainant who fails to provide such information 29017
or evidence is precluded from introducing it on appeal to the 29018
board of tax appeals or the court of common pleas, except that the 29019
board of tax appeals or court may admit and consider the evidence 29020
if the complainant shows good cause for the complainant's failure 29021
to provide the information or evidence to the board of revision. 29022

(H) In case of the pendency of any proceeding in court based 29023
upon an alleged excessive, discriminatory, or illegal valuation or 29024
incorrect classification or determination, the taxpayer may tender 29025
to the treasurer an amount as taxes upon property computed upon 29026
the claimed valuation as set forth in the complaint to the court. 29027
The treasurer may accept the tender. If the tender is not 29028
accepted, no penalty shall be assessed because of the nonpayment 29029

of the full taxes assessed. 29030

Sec. 5715.27. (A)(1) Except as provided in division (A)(2) of 29031
this section and in section 3735.67 of the Revised Code, the 29032
owner, a vendee in possession under a purchase agreement or a land 29033
contract, the beneficiary of a trust, or a lessee for an initial 29034
term of not less than thirty years of any property may file an 29035
application with the tax commissioner, on forms prescribed by the 29036
commissioner, requesting that such property be exempted from 29037
taxation and that taxes, interest, and penalties be remitted as 29038
provided in division (C) of section 5713.08 of the Revised Code. 29039

(2) If the property that is the subject of the application 29040
for exemption is any of the following, the application shall be 29041
filed with the county auditor of the county in which the property 29042
is listed for taxation: 29043

(a) A public road or highway; 29044

(b) Property belonging to the federal government of the 29045
United States; 29046

(c) Additions or other improvements to an existing building 29047
or structure that belongs to the state or a political subdivision, 29048
as defined in section 5713.081 of the Revised Code, and that is 29049
exempted from taxation as property used exclusively for a public 29050
purpose; 29051

(d) Property of the boards of trustees and of the housing 29052
commissions of the state universities, the northeastern Ohio 29053
universities college of medicine, and of the state to be exempted 29054
under section 3345.17 of the Revised Code. 29055

(B) The board of education of any school district may request 29056
the tax commissioner or county auditor to provide it with 29057
notification of applications for exemption from taxation for 29058
property located within that district. If so requested, the 29059

commissioner or auditor shall send to the board on a monthly basis 29060
reports that contain sufficient information to enable the board to 29061
identify each property that is the subject of an exemption 29062
application, including, but not limited to, the name of the 29063
property owner or applicant, the address of the property, and the 29064
auditor's parcel number. The commissioner or auditor shall mail 29065
the reports by the fifteenth day of the month following the end of 29066
the month in which the commissioner or auditor receives the 29067
applications for exemption. 29068

(C) A board of education that has requested notification 29069
under division (B) of this section may, with respect to any 29070
application for exemption of property located in the district and 29071
included in the commissioner's or auditor's most recent report 29072
provided under that division, file a statement with the 29073
commissioner or auditor and with the applicant indicating its 29074
intent to submit evidence and participate in any hearing on the 29075
application. The statements shall be filed prior to the first day 29076
of the third month following the end of the month in which that 29077
application was docketed by the commissioner or auditor. A 29078
statement filed in compliance with this division entitles the 29079
district to submit evidence and to participate in any hearing on 29080
the property and makes the district a party for purposes of 29081
sections 5717.02 to 5717.04 of the Revised Code in any appeal of 29082
the commissioner's or auditor's decision to the board of tax 29083
appeals. 29084

(D) The commissioner or auditor shall not hold a hearing on 29085
or grant or deny an application for exemption of property in a 29086
school district whose board of education has requested 29087
notification under division (B) of this section until the end of 29088
the period within which the board may submit a statement with 29089
respect to that application under division (C) of this section. 29090
The commissioner or auditor may act upon an application at any 29091

time prior to that date upon receipt of a written waiver from each 29092
such board of education, or, in the case of exemptions authorized 29093
by section 725.02, 1728.10, 5709.40, 5709.41, 5709.411, 5709.62, 29094
5709.63, 5709.632, 5709.73, 5709.78, 5709.84, or 5709.88 of the 29095
Revised Code, upon the request of the property owner. Failure of a 29096
board of education to receive the report required in division (B) 29097
of this section shall not void an action of the commissioner or 29098
auditor with respect to any application. The commissioner or 29099
auditor may extend the time for filing a statement under division 29100
(C) of this section. 29101

(E) ~~A complaint may also be filed with the commissioner or~~ 29102
~~auditor by any~~ Any person, board, or officer authorized by section 29103
5715.19 of the Revised Code to file complaints or counterclaims to 29104
complaints with the county board of revision may file a complaint 29105
with the commissioner or auditor against the continued exemption 29106
of any property granted exemption by the commissioner or auditor 29107
under this section. 29108

(F) An application for exemption and a complaint against 29109
exemption shall be filed prior to the thirty-first day of December 29110
of the tax year for which exemption is requested or for which the 29111
liability of the property to taxation in that year is requested. 29112
The commissioner or auditor shall consider such application or 29113
complaint in accordance with procedures established by the 29114
commissioner, determine whether the property is subject to 29115
taxation or exempt therefrom, and, if the commissioner makes the 29116
determination, certify the determination to the auditor. Upon 29117
making the determination or receiving the commissioner's 29118
determination, the auditor shall correct the tax list and 29119
duplicate accordingly. If a tax certificate has been sold under 29120
section 5721.32 or 5721.33 of the Revised Code with respect to 29121
property for which an exemption has been requested, the tax 29122
commissioner or auditor shall also certify the findings to the 29123

county treasurer of the county in which the property is located. 29124

(G) Applications and complaints, and documents of any kind 29125
related to applications and complaints, filed with the tax 29126
commissioner or county auditor under this section are public 29127
records within the meaning of section 149.43 of the Revised Code. 29128

(H) If the commissioner or auditor determines that the use of 29129
property or other facts relevant to the taxability of property 29130
that is the subject of an application for exemption or a complaint 29131
under this section has changed while the application or complaint 29132
was pending, the commissioner or auditor may make the 29133
determination under division (F) of this section separately for 29134
each tax year beginning with the year in which the application or 29135
complaint was filed or the year for which remission of taxes under 29136
division (C) of section 5713.08 of the Revised Code was requested, 29137
and including each subsequent tax year during which the 29138
application or complaint is pending before the commissioner or 29139
auditor. 29140

Sec. 5717.01. An appeal from a decision of a county board of 29141
revision may be taken to the board of tax appeals within thirty 29142
days after notice of the decision of the county board of revision 29143
is mailed as provided in division (A) of section 5715.20 of the 29144
Revised Code. Such an appeal may be taken by the county auditor, 29145
the tax commissioner, or any board, legislative authority, public 29146
official, or taxpayer authorized by section 5715.19 of the Revised 29147
Code to file complaints or counterclaims to complaints against 29148
valuations or assessments with the auditor. Such appeal shall be 29149
taken by the filing of a notice of appeal, in person or by 29150
certified mail, express mail, facsimile transmission, electronic 29151
transmission, or by authorized delivery service, with the board of 29152
tax appeals and with the county board of revision. If notice of 29153
appeal is filed by certified mail, express mail, or authorized 29154

delivery service as provided in section 5703.056 of the Revised Code, the date of the United States postmark placed on the sender's receipt by the postal service or the date of receipt recorded by the authorized delivery service shall be treated as the date of filing. If notice of appeal is filed by facsimile transmission or electronic transmission, the date and time the notice is received by the board shall be the date and time reflected on a timestamp provided by the board's electronic system, and the appeal shall be considered filed with the board on the date reflected on that timestamp. Any timestamp provided by another computer system or electronic submission device shall not affect the time and date the notice is received by the board. Upon receipt of such notice of appeal such county board of revision shall by certified mail notify all persons thereof who were parties to the proceeding before such county board of revision, and shall file proof of such notice with the board of tax appeals. The county board of revision shall thereupon certify to the board of tax appeals a transcript of the record of the proceedings of the county board of revision pertaining to the original complaint, and all evidence offered in connection therewith. Such appeal may be heard by the board of tax appeals at its offices in Columbus or in the county where the property is listed for taxation, or the board of tax appeals may cause its examiners to conduct such hearing and to report to it their findings for affirmation or rejection. An appeal may proceed pursuant to section 5703.021 of the Revised Code on the small claims docket if the appeal qualifies under that section.

The board of tax appeals may order the appeal to be heard on the record and the evidence certified to it by the county board of revision, or it may order the hearing of additional evidence, and it may make such investigation concerning the appeal as it deems proper.

Sec. 5727.111. The taxable property of each public utility, 29187
except a railroad company, and of each interexchange 29188
telecommunications company shall be assessed at the following 29189
percentages of true value: 29190

(A) In the case of a rural electric company, fifty per cent 29191
in the case of its taxable transmission and distribution property 29192
and its energy conversion equipment, and twenty-five per cent for 29193
all its other taxable property; 29194

(B) In the case of a telephone or telegraph company, 29195
twenty-five per cent for taxable property first subject to 29196
taxation in this state for tax year 1995 or thereafter for tax 29197
years before tax year 2007, and pursuant to division (H) of 29198
section 5711.22 of the Revised Code for tax year 2007 and 29199
thereafter, and the following for all other taxable property: 29200

(1) For tax years prior to 2005, eighty-eight per cent; 29201

(2) For tax year 2005, sixty-seven per cent; 29202

(3) For tax year 2006, forty-six per cent; 29203

(4) For tax year 2007 and thereafter, pursuant to division 29204
(H) of section 5711.22 of the Revised Code. 29205

(C) Twenty-five per cent in the case of a natural gas 29206
company. 29207

(D) Eighty-eight per cent in the case of a pipe-line, 29208
~~water works,~~ or heating company; 29209

(E)(1) For tax year 2005, eighty-eight per cent in the case 29210
of the taxable transmission and distribution property of an 29211
electric company, and twenty-five per cent for all its other 29212
taxable property; 29213

(2) For tax year 2006 and each tax year thereafter, in the 29214
case of an electric company, eighty-five per cent in the case of 29215

its taxable transmission and distribution property and its energy 29216
conversion equipment, and twenty-four per cent for all its other 29217
taxable property. 29218

(F)(1) Twenty-five per cent in the case of an interexchange 29219
telecommunications company for tax years before tax year 2007; 29220

(2) Pursuant to division (H) of section 5711.22 of the 29221
Revised Code for tax year 2007 and thereafter. 29222

(G) Twenty-five per cent in the case of a water 29223
transportation company; 29224

(H) For tax year 2011 and each tax year thereafter in the 29225
case of an energy company, twenty-four per cent in the case of its 29226
taxable production equipment, and eighty-five per cent for all its 29227
other taxable property. 29228

(I) In the case of a water-works company, twenty-five per 29229
cent for taxable property first subject to taxation in this state 29230
for tax year 2014 or thereafter, and eighty-eight per cent for all 29231
its other taxable property. 29232

Sec. 5739.05. (A) The tax commissioner shall enforce and 29233
administer sections 5739.01 to 5739.31 of the Revised Code, which 29234
are hereby declared to be sections which the commissioner is 29235
required to administer within the meaning of sections 5703.17 to 29236
5703.37, 5703.39, 5703.41, and 5703.45 of the Revised Code. The 29237
commissioner may adopt and promulgate, in accordance with sections 29238
119.01 to 119.13 of the Revised Code, such rules as the 29239
commissioner deems necessary to administer sections 5739.01 to 29240
5739.31 of the Revised Code. 29241

(B) Upon application, the commissioner may authorize a vendor 29242
to pay on a predetermined basis the tax levied by or pursuant to 29243
section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised 29244
Code upon sales of things produced or distributed or services 29245

provided by such vendor, and the commissioner may waive the 29246
collection of the tax from the consumer. The commissioner shall 29247
not grant such authority unless the commissioner finds that the 29248
granting of the authority would improve compliance and increase 29249
the efficiency of the administration of the tax. The person to 29250
whom such authority is granted shall post a notice, if required by 29251
the commissioner, at the location where the product is offered for 29252
sale that the tax is included in the selling price. The 29253
~~commissioner~~ commissioner may adopt rules to administer this 29254
division. 29255

(C) ~~The~~ Upon application, the commissioner may authorize a 29256
vendor to ~~pay remit~~, on the basis of a prearranged agreement under 29257
this division, the tax levied by section 5739.02 or pursuant to 29258
section 5739.021, 5739.023, or 5739.026 of the Revised Code, ~~and~~ 29259
~~waive the requirement that the vendor maintain the complete and~~ 29260
~~accurate record of individual taxable sales and tax collected~~ 29261
~~thereon required by section 5739.11 of the Revised Code, upon~~ 29262
~~application of the vendor, if the commissioner finds that the~~ 29263
~~conditions of the vendor applicant's business are such that the~~ 29264
~~maintenance of such records of individual taxable sales and tax~~ 29265
~~collected thereon would impose an unreasonable burden upon the~~ 29266
~~vendor. If the commissioner determines that such unreasonable~~ 29267
~~burden has been imposed, the vendor and the commissioner shall~~ 29268
~~agree to the terms and conditions of a test check to be conducted.~~ 29269
The proportions and ratios in a prearranged agreement shall be 29270
determined either by a test check conducted by the commissioner 29271
under terms and conditions agreed to by the commissioner and the 29272
vendor or by any other method agreed upon by the vendor and the 29273
commissioner. If the parties are unable to agree to the terms and 29274
conditions of the test check or other method, the application 29275
shall be denied. ~~The~~ 29276

If used, the test check ~~conducted~~ shall determine the 29277

proportion that taxable retail sales bear to all of the vendor's 29278
retail sales and the ratio which the tax required to be collected 29279
under sections 5739.02, 5739.021, ~~and 5739.023,~~ and 5739.026 of 29280
the Revised Code bears to the receipts from the vendor's taxable 29281
retail sales. 29282

The ~~vendor shall collect the tax on the vendor's taxable~~ 29283
~~sales and the~~ vendor's liability for ~~collecting or~~ remitting the 29284
tax shall be based solely upon the proportions and ratios 29285
established ~~by the test check, and not upon any other basis of~~ 29286
~~determination,~~ in the agreement until such time as ~~a subsequent~~ 29287
~~test check is made at the request of either~~ that the vendor or the 29288
commissioner ~~where either party~~ believes that the nature of the 29289
vendor's business has so changed as to make the ~~prior or existing~~ 29290
~~test check~~ agreement no longer representative. The commissioner 29291
may give notice to the vendor at any time that the authorization 29292
is revoked or the vendor may notify the commissioner that the 29293
vendor no longer elects to report under the authorization. Such 29294
notice shall be delivered to the other party personally or by 29295
registered mail. The revocation or cancellation is ~~not~~ effective 29296
~~prior to the date of receipt of such~~ last day of the month in 29297
which the vendor or the commissioner receives the notice. 29298

Sec. 5739.09. (A)(1) A board of county commissioners may, by 29299
resolution adopted by a majority of the members of the board, levy 29300
an excise tax not to exceed three per cent on transactions by 29301
which lodging by a hotel is or is to be furnished to transient 29302
guests. The board shall establish all regulations necessary to 29303
provide for the administration and allocation of the tax. The 29304
regulations may prescribe the time for payment of the tax, and may 29305
provide for the imposition of a penalty or interest, or both, for 29306
late payments, provided that the penalty does not exceed ten per 29307
cent of the amount of tax due, and the rate at which interest 29308
accrues does not exceed the rate per annum prescribed pursuant to 29309

section 5703.47 of the Revised Code. Except as provided in 29310
divisions (A)(2), (3), (4), (5), (6), and (7) of this section, the 29311
regulations shall provide, after deducting the real and actual 29312
costs of administering the tax, for the return to each municipal 29313
corporation or township that does not levy an excise tax on the 29314
transactions, a uniform percentage of the tax collected in the 29315
municipal corporation or in the unincorporated portion of the 29316
township from each transaction, not to exceed thirty-three and 29317
one-third per cent. The remainder of the revenue arising from the 29318
tax shall be deposited in a separate fund and shall be spent 29319
solely to make contributions to the convention and visitors' 29320
bureau operating within the county, including a pledge and 29321
contribution of any portion of the remainder pursuant to an 29322
agreement authorized by section 307.678 or 307.695 of the Revised 29323
Code, provided that if the board of county commissioners of an 29324
eligible county as defined in section 307.678 or 307.695 of the 29325
Revised Code adopts a resolution amending a resolution levying a 29326
tax under this division to provide that ~~the~~ revenue from the tax 29327
shall be used by the board as described in either division (D) of 29328
section 307.678 or division (H) of section 307.695 of the Revised 29329
Code, the remainder of the revenue shall be used as described in 29330
the resolution making that amendment. Except as provided in 29331
division (A)(2), (3), (4), (5), (6), or (7) or (H) of this 29332
section, on and after May 10, 1994, a board of county 29333
commissioners may not levy an excise tax pursuant to this division 29334
in any municipal corporation or township located wholly or partly 29335
within the county that has in effect an ordinance or resolution 29336
levying an excise tax pursuant to division (B) of this section. 29337
The board of a county that has levied a tax under division (C) of 29338
this section may, by resolution adopted within ninety days after 29339
July 15, 1985, by a majority of the members of the board, amend 29340
the resolution levying a tax under this division to provide for a 29341
portion of that tax to be pledged and contributed in accordance 29342

with an agreement entered into under section 307.695 of the Revised Code. A tax, any revenue from which is pledged pursuant to such an agreement, shall remain in effect at the rate at which it is imposed for the duration of the period for which the revenue from the tax has been so pledged.

The board of county commissioners of an eligible county as defined in section 307.695 of the Revised Code may, by resolution adopted by a majority of the members of the board, amend a resolution levying a tax under this division to provide that the revenue from the tax shall be used by the board as described in division (H) of section 307.695 of the Revised Code, in which case the tax shall remain in effect at the rate at which it was imposed for the duration of any agreement entered into by the board under section 307.695 of the Revised Code, the duration during which any securities issued by the board under that section are outstanding, or the duration of the period during which the board owns a project as defined in section 307.695 of the Revised Code, whichever duration is longest.

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, not to exceed five hundred thousand dollars each year, may be used as described in division (D) of section 307.678 of the Revised Code.

(2) A board of county commissioners that levies an excise tax 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 agreement entered into under section 307.695 of the Revised Code or, in the case of the board of county commissioners of an eligible county as defined in section 307.695 of the Revised Code, has amended a resolution levying a tax under division (C) of this section to provide that proceeds from the tax shall be used by the

board as described in division (H) of section 307.695 of the Revised Code, may, at any time by a resolution adopted by a majority of the members of the board, amend the resolution levying a tax under division (A)(1) of this section to provide for an increase in the rate of that tax up to seven per cent on each transaction; to provide that revenue from the increase in the rate shall be used as described in division (H) of section 307.695 of the Revised Code or be spent solely to make contributions to the convention and visitors' bureau operating within the county to be used specifically for promotion, advertising, and marketing of the region in which the county is located; and to provide that the 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 imposed for the duration of the period during which any agreement is in effect that was entered into under section 307.695 of the Revised Code by the board of county commissioners levying a tax under division (A)(1) of this section, the duration of the period during which any securities issued by the board under division (I) of section 307.695 of the Revised Code are outstanding, or the duration of the period during which the board owns a project as defined in section 307.695 of the Revised Code, whichever duration is longest. The amendment also shall provide that no portion of that revenue need be returned to townships or municipal corporations as would otherwise be required under division (A)(1) of this section.

(3) A board of county commissioners that levies a tax under division (A)(1) of this section on March 18, 1999, at a rate of three per cent may, by resolution adopted not later than forty-five days after March 18, 1999, amend the resolution levying the tax to provide for all of the following:

(a) That the rate of the tax shall be increased by not more than an additional four per cent on each transaction;

(b) That all of the revenue from the increase in the rate 29407
shall be pledged and contributed to a convention facilities 29408
authority established by the board of county commissioners under 29409
Chapter 351. of the Revised Code on or before November 15, 1998, 29410
and used to pay costs of constructing, maintaining, operating, and 29411
promoting a facility in the county, including paying bonds, or 29412
notes issued in anticipation of bonds, as provided by that 29413
chapter; 29414

(c) That no portion of the revenue arising from the increase 29415
in rate need be returned to municipal corporations or townships as 29416
otherwise required under division (A)(1) of this section; 29417

(d) That the increase in rate shall not be subject to 29418
diminution by initiative or referendum or by law while any bonds, 29419
or notes in anticipation of bonds, issued by the authority under 29420
Chapter 351. of the Revised Code to which the revenue is pledged, 29421
remain outstanding in accordance with their terms, unless 29422
provision is made by law or by the board of county commissioners 29423
for an adequate substitute therefor that is satisfactory to the 29424
trustee if a trust agreement secures the bonds. 29425

Division (A)(3) of this section does not apply to the board 29426
of county commissioners of any county in which a convention center 29427
or facility exists or is being constructed on November 15, 1998, 29428
or of any county in which a convention facilities authority levies 29429
a tax pursuant to section 351.021 of the Revised Code on that 29430
date. 29431

As used in division (A)(3) of this section, "cost" and 29432
"facility" have the same meanings as in section 351.01 of the 29433
Revised Code, and "convention center" has the same meaning as in 29434
section 307.695 of the Revised Code. 29435

(4)(a) A board of county commissioners that levies a tax 29436
under division (A)(1) of this section on June 30, 2002, at a rate 29437

of three per cent may, by resolution adopted not later than 29438
September 30, 2002, amend the resolution levying the tax to 29439
provide for all of the following: 29440

(i) That the rate of the tax shall be increased by not more 29441
than an additional three and one-half per cent on each 29442
transaction; 29443

(ii) That all of the revenue from the increase in rate shall 29444
be pledged and contributed to a convention facilities authority 29445
established by the board of county commissioners under Chapter 29446
351. of the Revised Code on or before May 15, 2002, and be used to 29447
pay costs of constructing, expanding, maintaining, operating, or 29448
promoting a convention center in the county, including paying 29449
bonds, or notes issued in anticipation of bonds, as provided by 29450
that chapter; 29451

(iii) That no portion of the revenue arising from the 29452
increase in rate need be returned to municipal corporations or 29453
townships as otherwise required under division (A)(1) of this 29454
section; 29455

(iv) That the increase in rate shall not be subject to 29456
diminution by initiative or referendum or by law while any bonds, 29457
or notes in anticipation of bonds, issued by the authority under 29458
Chapter 351. of the Revised Code to which the revenue is pledged, 29459
remain outstanding in accordance with their terms, unless 29460
provision is made by law or by the board of county commissioners 29461
for an adequate substitute therefor that is satisfactory to the 29462
trustee if a trust agreement secures the bonds. 29463

(b) Any board of county commissioners that, pursuant to 29464
division (A)(4)(a) of this section, has amended a resolution 29465
levying the tax authorized by division (A)(1) of this section may 29466
further amend the resolution to provide that the revenue referred 29467
to in division (A)(4)(a)(ii) of this section shall be pledged and 29468

contributed both to a convention facilities authority to pay the 29469
costs of constructing, expanding, maintaining, or operating one or 29470
more convention centers in the county, including paying bonds, or 29471
notes issued in anticipation of bonds, as provided in Chapter 351. 29472
of the Revised Code, and to a convention and visitors' bureau to 29473
pay the costs of promoting one or more convention centers in the 29474
county. 29475

As used in division (A)(4) of this section, "cost" has the 29476
same meaning as in section 351.01 of the Revised Code, and 29477
"convention center" has the same meaning as in section 307.695 of 29478
the Revised Code. 29479

(5)(a) As used in division (A)(5) of this section: 29480

(i) "Port authority" means a port authority created under 29481
Chapter 4582. of the Revised Code. 29482

(ii) "Port authority military-use facility" means port 29483
authority facilities on which or adjacent to which is located an 29484
installation of the armed forces of the United States, a reserve 29485
component thereof, or the national guard and at least part of 29486
which is made available for use, for consideration, by the armed 29487
forces of the United States, a reserve component thereof, or the 29488
national guard. 29489

(b) For the purpose of contributing revenue to pay operating 29490
expenses of a port authority that operates a port authority 29491
military-use facility, the board of county commissioners of a 29492
county that created, participated in the creation of, or has 29493
joined such a port authority may do one or both of the following: 29494

(i) Amend a resolution previously adopted under division 29495
(A)(1) of this section to designate some or all of the revenue 29496
from the tax levied under the resolution to be used for that 29497
purpose, notwithstanding that division; 29498

(ii) Amend a resolution previously adopted under division 29499

(A)(1) of this section to increase the rate of the tax by not more than an additional two per cent and use the revenue from the increase exclusively for that purpose.

(c) If a board of county commissioners amends a resolution to increase the rate of a tax as authorized in division (A)(5)(b)(ii) of this section, the board also may amend the resolution to specify that the increase in rate of the tax does not apply to "hotels," as otherwise defined in section 5739.01 of the Revised Code, having fewer rooms used for the accommodation of guests than a number of rooms specified by the board.

(6) A board of county commissioners of a county organized under a county charter adopted pursuant to Article X, Section 3, Ohio Constitution, and that levies an excise tax under division (A)(1) of this section at a rate of three per cent and levies an additional excise tax under division (E) of this section at a rate of one and one-half per cent may, by resolution adopted not later than January 1, 2008, by a majority of the members of the board, amend the resolution levying a tax under division (A)(1) of this section to provide for an increase in the rate of that tax by not more than an additional one per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. Notwithstanding divisions (A)(1) and (E) of this section, the resolution shall provide that all of the revenue from the increase in rate, after deducting the real and actual costs of administering the tax, shall be used to pay the costs of improving, expanding, equipping, financing, or operating a convention center by a convention and visitors' bureau in the county. The increase in rate shall remain in effect for the period specified in the resolution, not to exceed ten years. The increase in rate shall be subject to the regulations adopted under division (A)(1) of this section, except that the resolution may provide that no portion of the revenue from the increase in the rate shall

be returned to townships or municipal corporations as would 29532
otherwise be required under that division. 29533

(7) Division (A)(7) of this section applies only to a county 29534
with a population greater than sixty-five thousand and less than 29535
seventy thousand according to the most recent federal decennial 29536
census and in which, on December 31, 2006, an excise tax is levied 29537
under division (A)(1) of this section at a rate not less than and 29538
not greater than three per cent, and in which the most recent 29539
increase in the rate of that tax was enacted or took effect in 29540
November 1984. 29541

The board of county commissioners of a county to which this 29542
division applies, by resolution adopted by a majority of the 29543
members of the board, may increase the rate of the tax by not more 29544
than one per cent on transactions by which lodging by a hotel is 29545
or is to be furnished to transient guests. The increase in rate 29546
shall be for the purpose of paying expenses deemed necessary by 29547
the convention and visitors' bureau operating in the county to 29548
promote travel and tourism. The increase in rate shall remain in 29549
effect for the period specified in the resolution, not to exceed 29550
twenty years, provided that the increase in rate may not continue 29551
beyond the time when the purpose for which the increase is levied 29552
ceases to exist. If revenue from the increase in rate is pledged 29553
to the payment of debt charges on securities, the increase in rate 29554
is not subject to diminution by initiative or referendum or by law 29555
for so long as the securities are outstanding, unless provision is 29556
made by law or by the board of county commissioners for an 29557
adequate substitute for that revenue that is satisfactory to the 29558
trustee if a trust agreement secures payment of the debt charges. 29559
The increase in rate shall be subject to the regulations adopted 29560
under division (A)(1) of this section, except that the resolution 29561
may provide that no portion of the revenue from the increase in 29562
the rate shall be returned to townships or municipal corporations 29563

as would otherwise be required under division (A)(1) of this 29564
section. A resolution adopted under division (A)(7) of this 29565
section is subject to referendum under sections 305.31 to 305.99 29566
of the Revised Code. 29567

(B)(1) The legislative authority of a municipal corporation 29568
or the board of trustees of a township that is not wholly or 29569
partly located in a county that has in effect a resolution levying 29570
an excise tax pursuant to division (A)(1) of this section may, by 29571
ordinance or resolution, levy an excise tax not to exceed three 29572
per cent on transactions by which lodging by a hotel is or is to 29573
be furnished to transient guests. The legislative authority of the 29574
municipal corporation or the board of trustees of the township 29575
shall deposit at least fifty per cent of the revenue from the tax 29576
levied pursuant to this division into a separate fund, which shall 29577
be spent solely to make contributions to convention and visitors' 29578
bureaus operating within the county in which the municipal 29579
corporation or township is wholly or partly located, and the 29580
balance of that revenue shall be deposited in the general fund. 29581
The municipal corporation or township shall establish all 29582
regulations necessary to provide for the administration and 29583
allocation of the tax. The regulations may prescribe the time for 29584
payment of the tax, and may provide for the imposition of a 29585
penalty or interest, or both, for late payments, provided that the 29586
penalty does not exceed ten per cent of the amount of tax due, and 29587
the rate at which interest accrues does not exceed the rate per 29588
annum prescribed pursuant to section 5703.47 of the Revised Code. 29589
The levy of a tax under this division is in addition to any tax 29590
imposed on the same transaction by a municipal corporation or a 29591
township as authorized by division (A) of section 5739.08 of the 29592
Revised Code. 29593

(2)(a) The legislative authority of the most populous 29594
municipal corporation located wholly or partly in a county in 29595

which the board of county commissioners has levied a tax under 29596
division (A)(4) of this section may amend, on or before September 29597
30, 2002, that municipal corporation's ordinance or resolution 29598
that levies an excise tax on transactions by which lodging by a 29599
hotel is or is to be furnished to transient guests, to provide for 29600
all of the following: 29601

(i) That the rate of the tax shall be increased by not more 29602
than an additional one per cent on each transaction; 29603

(ii) That all of the revenue from the increase in rate shall 29604
be pledged and contributed to a convention facilities authority 29605
established by the board of county commissioners under Chapter 29606
351. of the Revised Code on or before May 15, 2002, and be used to 29607
pay costs of constructing, expanding, maintaining, operating, or 29608
promoting a convention center in the county, including paying 29609
bonds, or notes issued in anticipation of bonds, as provided by 29610
that chapter; 29611

(iii) That the increase in rate shall not be subject to 29612
diminution by initiative or referendum or by law while any bonds, 29613
or notes in anticipation of bonds, issued by the authority under 29614
Chapter 351. of the Revised Code to which the revenue is pledged, 29615
remain outstanding in accordance with their terms, unless 29616
provision is made by law, by the board of county commissioners, or 29617
by the legislative authority, for an adequate substitute therefor 29618
that is satisfactory to the trustee if a trust agreement secures 29619
the bonds. 29620

(b) The legislative authority of a municipal corporation 29621
that, pursuant to division (B)(2)(a) of this section, has amended 29622
its ordinance or resolution to increase the rate of the tax 29623
authorized by division (B)(1) of this section may further amend 29624
the ordinance or resolution to provide that the revenue referred 29625
to in division (B)(2)(a)(ii) of this section shall be pledged and 29626
contributed both to a convention facilities authority to pay the 29627

costs of constructing, expanding, maintaining, or operating one or 29628
more convention centers in the county, including paying bonds, or 29629
notes issued in anticipation of bonds, as provided in Chapter 351. 29630
of the Revised Code, and to a convention and visitors' bureau to 29631
pay the costs of promoting one or more convention centers in the 29632
county. 29633

As used in division (B)(2) of this section, "cost" has the 29634
same meaning as in section 351.01 of the Revised Code, and 29635
"convention center" has the same meaning as in section 307.695 of 29636
the Revised Code. 29637

(C) For the purposes described in section 307.695 of the 29638
Revised Code and to cover the costs of administering the tax, a 29639
board of county commissioners of a county where a tax imposed 29640
under division (A)(1) of this section is in effect may, by 29641
resolution adopted within ninety days after July 15, 1985, by a 29642
majority of the members of the board, levy an additional excise 29643
tax not to exceed three per cent on transactions by which lodging 29644
by a hotel is or is to be furnished to transient guests. The tax 29645
authorized by this division shall be in addition to any tax that 29646
is levied pursuant to division (A) of this section, but it shall 29647
not apply to transactions subject to a tax levied by a municipal 29648
corporation or township pursuant to the authorization granted by 29649
division (A) of section 5739.08 of the Revised Code. The board 29650
shall establish all regulations necessary to provide for the 29651
administration and allocation of the tax. The regulations may 29652
prescribe the time for payment of the tax, and may provide for the 29653
imposition of a penalty or interest, or both, for late payments, 29654
provided that the penalty does not exceed ten per cent of the 29655
amount of tax due, and the rate at which interest accrues does not 29656
exceed the rate per annum prescribed pursuant to section 5703.47 29657
of the Revised Code. All revenues arising from the tax shall be 29658
expended in accordance with section 307.695 of the Revised Code. 29659

The board of county commissioners of an eligible county as defined 29660
in section 307.695 of the Revised Code may, by resolution adopted 29661
by a majority of the members of the board, amend the resolution 29662
levying a tax under this division to provide that the revenue from 29663
the tax shall be used by the board as described in division (H) of 29664
section 307.695 of the Revised Code. A tax imposed under this 29665
division shall remain in effect at the rate at which it is imposed 29666
for the duration of the period during which any agreement entered 29667
into by the board under section 307.695 of the Revised Code is in 29668
effect, the duration of the period during which any securities 29669
issued by the board under division (I) of section 307.695 of the 29670
Revised Code are outstanding, or the duration of the period during 29671
which the board owns a project as defined in section 307.695 of 29672
the Revised Code, whichever duration is longest. 29673

(D) For the purpose of providing contributions under division 29674
(B)(1) of section 307.671 of the Revised Code to enable the 29675
acquisition, construction, and equipping of a port authority 29676
educational and cultural facility in the county and, to the extent 29677
provided for in the cooperative agreement authorized by that 29678
section, for the purpose of paying debt service charges on bonds, 29679
or notes in anticipation of bonds, described in division (B)(1)(b) 29680
of that section, a board of county commissioners, by resolution 29681
adopted within ninety days after December 22, 1992, by a majority 29682
of the members of the board, may levy an additional excise tax not 29683
to exceed one and one-half per cent on transactions by which 29684
lodging by a hotel is or is to be furnished to transient guests. 29685
The excise tax authorized by this division shall be in addition to 29686
any tax that is levied pursuant to divisions (A), (B), and (C) of 29687
this section, to any excise tax levied pursuant to section 5739.08 29688
of the Revised Code, and to any excise tax levied pursuant to 29689
section 351.021 of the Revised Code. The board of county 29690
commissioners shall establish all regulations necessary to provide 29691
for the administration and allocation of the tax that are not 29692

inconsistent with this section or section 307.671 of the Revised Code. The regulations may prescribe the time for payment of the tax, and may provide for the imposition of a penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code. All revenues arising from the tax shall be expended in accordance with section 307.671 of the Revised Code and division (D) of this section. The levy of a tax imposed under this division may not commence prior to the first day of the month next following the execution of the cooperative agreement authorized by section 307.671 of the Revised Code by all parties to that agreement. The tax shall remain in effect at the rate at which it is imposed for the period of time described in division (C) of section 307.671 of the Revised Code for which the revenue from the tax has been pledged by the county to the corporation pursuant to that section, but, to any extent provided for in the cooperative agreement, for no lesser period than the period of time required for payment of the debt service charges on bonds, or notes in anticipation of bonds, described in division (B)(1)(b) of that section.

(E) For the purpose of paying the costs of acquiring, constructing, equipping, and improving a municipal educational and cultural facility, including debt service charges on bonds provided for in division (B) of section 307.672 of the Revised Code, and for any additional purposes determined by the county in the resolution levying the tax or amendments to the resolution, including subsequent amendments providing for paying costs of acquiring, constructing, renovating, rehabilitating, equipping, and improving a port authority educational and cultural performing arts facility, as defined in section 307.674 of the Revised Code, and including debt service charges on bonds provided for in division (B) of section 307.674 of the Revised Code, the

legislative authority of a county, by resolution adopted within 29726
ninety days after June 30, 1993, by a majority of the members of 29727
the legislative authority, may levy an additional excise tax not 29728
to exceed one and one-half per cent on transactions by which 29729
lodging by a hotel is or is to be furnished to transient guests. 29730
The excise tax authorized by this division shall be in addition to 29731
any tax that is levied pursuant to divisions (A), (B), (C), and 29732
(D) of this section, to any excise tax levied pursuant to section 29733
5739.08 of the Revised Code, and to any excise tax levied pursuant 29734
to section 351.021 of the Revised Code. The legislative authority 29735
of the county shall establish all regulations necessary to provide 29736
for the administration and allocation of the tax. The regulations 29737
may prescribe the time for payment of the tax, and may provide for 29738
the imposition of a penalty or interest, or both, for late 29739
payments, provided that the penalty does not exceed ten per cent 29740
of the amount of tax due, and the rate at which interest accrues 29741
does not exceed the rate per annum prescribed pursuant to section 29742
5703.47 of the Revised Code. All revenues arising from the tax 29743
shall be expended in accordance with section 307.672 of the 29744
Revised Code and this division. The levy of a tax imposed under 29745
this division shall not commence prior to the first day of the 29746
month next following the execution of the cooperative agreement 29747
authorized by section 307.672 of the Revised Code by all parties 29748
to that agreement. The tax shall remain in effect at the rate at 29749
which it is imposed for the period of time determined by the 29750
legislative authority of the county. That period of time shall not 29751
exceed fifteen years, except that the legislative authority of a 29752
county with a population of less than two hundred fifty thousand 29753
according to the most recent federal decennial census, by 29754
resolution adopted by a majority of its members before the 29755
original tax expires, may extend the duration of the tax for an 29756
additional period of time. The additional period of time by which 29757
a legislative authority extends a tax levied under this division 29758

shall not exceed fifteen years. 29759

(F) The legislative authority of a county that has levied a 29760
tax under division (E) of this section may, by resolution adopted 29761
within one hundred eighty days after January 4, 2001, by a 29762
majority of the members of the legislative authority, amend the 29763
resolution levying a tax under that division to provide for the 29764
use of the proceeds of that tax, to the extent that it is no 29765
longer needed for its original purpose as determined by the 29766
parties to a cooperative agreement amendment pursuant to division 29767
(D) of section 307.672 of the Revised Code, to pay costs of 29768
acquiring, constructing, renovating, rehabilitating, equipping, 29769
and improving a port authority educational and cultural performing 29770
arts facility, including debt service charges on bonds provided 29771
for in division (B) of section 307.674 of the Revised Code, and to 29772
pay all obligations under any guaranty agreements, reimbursement 29773
agreements, or other credit enhancement agreements described in 29774
division (C) of section 307.674 of the Revised Code. The 29775
resolution may also provide for the extension of the tax at the 29776
same rate for the longer of the period of time determined by the 29777
legislative authority of the county, but not to exceed an 29778
additional twenty-five years, or the period of time required to 29779
pay all debt service charges on bonds provided for in division (B) 29780
of section 307.672 of the Revised Code and on port authority 29781
revenue bonds provided for in division (B) of section 307.674 of 29782
the Revised Code. All revenues arising from the amendment and 29783
extension of the tax shall be expended in accordance with section 29784
307.674 of the Revised Code, this division, and division (E) of 29785
this section. 29786

(G) For purposes of a tax levied by a county, township, or 29787
municipal corporation under this section or section 5739.08 of the 29788
Revised Code, a board of county commissioners, board of township 29789
trustees, or the legislative authority of a municipal corporation 29790

may adopt a resolution or ordinance at any time specifying that "hotel," as otherwise defined in section 5739.01 of the Revised Code, includes the following:

(1) Establishments in which fewer than five rooms are used for the accommodation of guests.

(2) Establishments at which rooms are used for the accommodation of guests regardless of whether each room is accessible through its own keyed entry or several rooms are accessible through the same keyed entry; and, in determining the number of rooms, all rooms are included regardless of the number of structures in which the rooms are situated or the number of parcels of land on which the structures are located if the structures are under the same ownership and the structures are not identified in advertisements of the accommodations as distinct establishments. For the purposes of division (G)(2) of this section, two or more structures are under the same ownership if they are owned by the same person, or if they are owned by two or more persons the majority of the ownership interests of which are owned by the same person.

The resolution or ordinance may apply to a tax imposed pursuant to this section prior to the adoption of the resolution or ordinance if the resolution or ordinance so states, but the tax shall not apply to transactions by which lodging by such an establishment is provided to transient guests prior to the adoption of the resolution or ordinance.

(H)(1) As used in this division:

(a) "Convention facilities authority" has the same meaning as in section 351.01 of the Revised Code.

(b) "Convention center" has the same meaning as in section 307.695 of the Revised Code.

(2) Notwithstanding any contrary provision of division (D) of

this section, the legislative authority of a county with a 29822
population of one million or more according to the most recent 29823
federal decennial census that has levied a tax under division (D) 29824
of this section may, by resolution adopted by a majority of the 29825
members of the legislative authority, provide for the extension of 29826
such levy and may provide that the proceeds of that tax, to the 29827
extent that they are no longer needed for their original purpose 29828
as defined by a cooperative agreement entered into under section 29829
307.671 of the Revised Code, shall be deposited into the county 29830
general revenue fund. The resolution shall provide for the 29831
extension of the tax at a rate not to exceed the rate specified in 29832
division (D) of this section for a period of time determined by 29833
the legislative authority of the county, but not to exceed an 29834
additional forty years. 29835

(3) The legislative authority of a county with a population 29836
of one million or more that has levied a tax under division (A)(1) 29837
of this section may, by resolution adopted by a majority of the 29838
members of the legislative authority, increase the rate of the tax 29839
levied by such county under division (A)(1) of this section to a 29840
rate not to exceed five per cent on transactions by which lodging 29841
by a hotel is or is to be furnished to transient guests. 29842
Notwithstanding any contrary provision of division (A)(1) of this 29843
section, the resolution may provide that all collections resulting 29844
from the rate levied in excess of three per cent, after deducting 29845
the real and actual costs of administering the tax, shall be 29846
deposited in the county general fund. 29847

(4) The legislative authority of a county with a population 29848
of one million or more that has levied a tax under division (A)(1) 29849
of this section may, by resolution adopted on or before August 30, 29850
2004, by a majority of the members of the legislative authority, 29851
provide that all or a portion of the proceeds of the tax levied 29852
under division (A)(1) of this section, after deducting the real 29853

and actual costs of administering the tax and the amounts required 29854
to be returned to townships and municipal corporations with 29855
respect to the first three per cent levied under division (A)(1) 29856
of this section, shall be deposited in the county general fund, 29857
provided that such proceeds shall be used to satisfy any pledges 29858
made in connection with an agreement entered into under section 29859
307.695 of the Revised Code. 29860

(5) No amount collected from a tax levied, extended, or 29861
required to be deposited in the county general fund under division 29862
(H) of this section shall be contributed to a convention 29863
facilities authority, corporation, or other entity created after 29864
July 1, 2003, for the principal purpose of constructing, 29865
improving, expanding, equipping, financing, or operating a 29866
convention center unless the mayor of the municipal corporation in 29867
which the convention center is to be operated by that convention 29868
facilities authority, corporation, or other entity has consented 29869
to the creation of that convention facilities authority, 29870
corporation, or entity. Notwithstanding any contrary provision of 29871
section 351.04 of the Revised Code, if a tax is levied by a county 29872
under division (H) of this section, the board of county 29873
commissioners of that county may determine the manner of 29874
selection, the qualifications, the number, and terms of office of 29875
the members of the board of directors of any convention facilities 29876
authority, corporation, or other entity described in division 29877
(H)(5) of this section. 29878

(6)(a) No amount collected from a tax levied, extended, or 29879
required to be deposited in the county general fund under division 29880
(H) of this section may be used for any purpose other than paying 29881
the direct and indirect costs of constructing, improving, 29882
expanding, equipping, financing, or operating a convention center 29883
and for the real and actual costs of administering the tax, 29884
unless, prior to the adoption of the resolution of the legislative 29885

authority of the county authorizing the levy, extension, increase, 29886
or deposit, the county and the mayor of the most populous 29887
municipal corporation in that county have entered into an 29888
agreement as to the use of such amounts, provided that such 29889
agreement has been approved by a majority of the mayors of the 29890
other municipal corporations in that county. The agreement shall 29891
provide that the amounts to be used for purposes other than paying 29892
the convention center or administrative costs described in 29893
division (H)(6)(a) of this section be used only for the direct and 29894
indirect costs of capital improvements, including the financing of 29895
capital improvements. 29896

(b) If the county in which the tax is levied has an 29897
association of mayors and city managers, the approval of that 29898
association of an agreement described in division (H)(6)(a) of 29899
this section shall be considered to be the approval of the 29900
majority of the mayors of the other municipal corporations for 29901
purposes of that division. 29902

(7) Each year, the auditor of state shall conduct an audit of 29903
the uses of any amounts collected from taxes levied, extended, or 29904
deposited under division (H) of this section and shall prepare a 29905
report of the auditor of state's findings. The auditor of state 29906
shall submit the report to the legislative authority of the county 29907
that has levied, extended, or deposited the tax, the speaker of 29908
the house of representatives, the president of the senate, and the 29909
leaders of the minority parties of the house of representatives 29910
and the senate. 29911

(I)(1) As used in this division: 29912

(a) "Convention facilities authority" has the same meaning as 29913
in section 351.01 of the Revised Code. 29914

(b) "Convention center" has the same meaning as in section 29915
307.695 of the Revised Code. 29916

(2) Notwithstanding any contrary provision of division (D) of this section, the legislative authority of a county with a population of one million two hundred thousand or more according to the most recent federal decennial census or the most recent annual population estimate published or released by the United States census bureau at the time the resolution is adopted placing the levy on the ballot, that has levied a tax under division (D) of this section may, by resolution adopted by a majority of the members of the legislative authority, provide for the extension of such levy and may provide that the proceeds of that tax, to the extent that the proceeds are no longer needed for their original purpose as defined by a cooperative agreement entered into under section 307.671 of the Revised Code and 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. The resolution shall provide for the extension of the tax at a rate not to exceed the rate specified in division (D) of this section for a period of time determined by the legislative authority of the county, but not to exceed an additional forty years.

(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, 29950
financing, or operating a convention center. 29951

(4) The legislative authority of a county with a population 29952
of one million two hundred thousand or more that has levied a tax 29953
under division (A)(1) of this section may, by resolution adopted 29954
on or before July 1, 2008, by a majority of the members of the 29955
legislative authority, provide that all or a portion of the 29956
proceeds of the tax levied under division (A)(1) of this section, 29957
after deducting the real and actual costs of administering the tax 29958
and the amounts required to be returned to townships and municipal 29959
corporations with respect to the first three per cent levied under 29960
division (A)(1) of this section, shall be used to satisfy any 29961
pledges made in connection with an agreement entered into under 29962
section 307.695 of the Revised Code or shall otherwise be used for 29963
paying the direct and indirect costs of constructing, improving, 29964
expanding, equipping, financing, or operating a convention center. 29965

(5) Any amount collected from a tax levied or extended under 29966
division (I) of this section may be contributed to a convention 29967
facilities authority created before July 1, 2005, but no amount 29968
collected from a tax levied or extended under division (I) of this 29969
section may be contributed to a convention facilities authority, 29970
corporation, or other entity created after July 1, 2005, unless 29971
the mayor of the municipal corporation in which the convention 29972
center is to be operated by that convention facilities authority, 29973
corporation, or other entity has consented to the creation of that 29974
convention facilities authority, corporation, or entity. 29975

(J) ~~All~~ (1) Except as provided in division (J)(2) of this 29976
section, money collected by a county and distributed under this 29977
section to a convention and visitors' bureau in existence as of 29978
June 30, 2013, the effective date of H.B. 59 of the 130th general 29979
assembly, except for any such money pledged, as of that effective 29980
date, to the payment of debt service charges on bonds, notes, 29981

securities, or lease agreements, shall be used solely for tourism 29982
sales, marketing and promotion, and their associated costs, 29983
including, but not limited to, operational and administrative 29984
costs of the bureau, sales and marketing, and maintenance of the 29985
physical bureau structure. 29986

(2) A convention and visitors' bureau that has entered into 29987
an agreement under section 307.678 of the Revised Code may use 29988
revenue it receives from a tax levied under division (A)(1) of 29989
this section as described in division (D) of section 307.678 of 29990
the Revised Code. 29991

(K) The board of county commissioners of a county with a 29992
population between one hundred three thousand and one hundred 29993
seven thousand according to the most recent federal decennial 29994
census, by resolution adopted by a majority of the members of the 29995
board within six months after the effective date of H.B. 483 of 29996
the 130th general assembly, may levy a tax not to exceed three per 29997
cent on transactions by which a hotel is or is to be furnished to 29998
transient guests. The purpose of the tax shall be to pay the costs 29999
of expanding, maintaining, or operating a soldiers' memorial and 30000
the costs of administering the tax. All revenue arising from the 30001
tax shall be credited to one or more special funds in the county 30002
treasury and shall be spent solely for the purposes of paying 30003
those costs. The board of county commissioners shall adopt all 30004
rules necessary to provide for the administration of the tax 30005
subject to the same limitations on imposing penalty or interest 30006
under division (A)(1) of this section. 30007

As used in this division "soldiers' memorial" means a 30008
memorial constructed and funded under Chapter 345. of the Revised 30009
Code. 30010

Sec. 5747.02. (A) For the purpose of providing revenue for 30011
the support of schools and local government functions, to provide 30012

relief to property taxpayers, to provide revenue for the general 30013
revenue fund, and to meet the expenses of administering the tax 30014
levied by this chapter, there is hereby levied on every 30015
individual, trust, and estate residing in or earning or receiving 30016
income in this state, on every individual, trust, and estate 30017
earning or receiving lottery winnings, prizes, or awards pursuant 30018
to Chapter 3770. of the Revised Code, on every individual, trust, 30019
and estate earning or receiving winnings on casino gaming, and on 30020
every individual, trust, and estate otherwise having nexus with or 30021
in this state under the Constitution of the United States, an 30022
annual tax measured in the case of individuals by Ohio adjusted 30023
gross income less an exemption for the taxpayer, the taxpayer's 30024
spouse, and each dependent as provided in section 5747.025 of the 30025
Revised Code; measured in the case of trusts by modified Ohio 30026
taxable income under division (D) of this section; and measured in 30027
the case of estates by Ohio taxable income. The tax imposed by 30028
this section on the balance thus obtained is hereby levied as 30029
follows: 30030

(1) For taxable years beginning in 2004: 30031

OHIO ADJUSTED GROSS INCOME LESS 30032

EXEMPTIONS (INDIVIDUALS)

OR 30033

MODIFIED OHIO 30034

TAXABLE INCOME (TRUSTS) 30035

OR 30036

OHIO TAXABLE INCOME (ESTATES) TAX 30037

\$5,000 or less .743% 30038

More than \$5,000 but not more \$37.15 plus 1.486% of the amount 30039
than \$10,000 in excess of \$5,000

More than \$10,000 but not more \$111.45 plus 2.972% of the 30040
than \$15,000 amount in excess of \$10,000

More than \$15,000 but not more \$260.05 plus 3.715% of the 30041

than \$20,000	amount in excess of \$15,000	
More than \$20,000 but not more than \$40,000	\$445.80 plus 4.457% of the amount in excess of \$20,000	30042
More than \$40,000 but not more than \$80,000	\$1,337.20 plus 5.201% of the amount in excess of \$40,000	30043
More than \$80,000 but not more than \$100,000	\$3,417.60 plus 5.943% of the amount in excess of \$80,000	30044
More than \$100,000 but not more than \$200,000	\$4,606.20 plus 6.9% of the amount in excess of \$100,000	30045
More than \$200,000	\$11,506.20 plus 7.5% of the amount in excess of \$200,000	30046
(2) For taxable years beginning in 2005:		30047
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		30048
OR		30049
MODIFIED OHIO		30050
TAXABLE INCOME (TRUSTS)		30051
OR		30052
OHIO TAXABLE INCOME (ESTATES)	TAX	30053
\$5,000 or less	.712%	30054
More than \$5,000 but not more than \$10,000	\$35.60 plus 1.424% of the amount in excess of \$5,000	30055
More than \$10,000 but not more than \$15,000	\$106.80 plus 2.847% of the amount in excess of \$10,000	30056
More than \$15,000 but not more than \$20,000	\$249.15 plus 3.559% of the amount in excess of \$15,000	30057
More than \$20,000 but not more than \$40,000	\$427.10 plus 4.27% of the amount in excess of \$20,000	30058
More than \$40,000 but not more than \$80,000	\$1,281.10 plus 4.983% of the amount in excess of \$40,000	30059
More than \$80,000 but not more than \$100,000	\$3,274.30 plus 5.693% of the amount in excess of \$80,000	30060
More than \$100,000 but not more	\$4,412.90 plus 6.61% of the	30061

than \$200,000	amount in excess of \$100,000	
More than \$200,000	\$11,022.90 plus 7.185% of the amount in excess of \$200,000	30062
(3) For taxable years beginning in 2006:		30063
OHIO ADJUSTED GROSS INCOME LESS		30064
EXEMPTIONS (INDIVIDUALS)		
OR		30065
MODIFIED OHIO		30066
TAXABLE INCOME (TRUSTS)		30067
OR		30068
OHIO TAXABLE INCOME (ESTATES)	TAX	30069
\$5,000 or less	.681%	30070
More than \$5,000 but not more than \$10,000	\$34.05 plus 1.361% of the amount in excess of \$5,000	30071
More than \$10,000 but not more than \$15,000	\$102.10 plus 2.722% of the amount in excess of \$10,000	30072
More than \$15,000 but not more than \$20,000	\$238.20 plus 3.403% of the amount in excess of \$15,000	30073
More than \$20,000 but not more than \$40,000	\$408.35 plus 4.083% of the amount in excess of \$20,000	30074
More than \$40,000 but not more than \$80,000	\$1,224.95 plus 4.764% of the amount in excess of \$40,000	30075
More than \$80,000 but not more than \$100,000	\$3,130.55 plus 5.444% of the amount in excess of \$80,000	30076
More than \$100,000 but not more than \$200,000	\$4,219.35 plus 6.32% of the amount in excess of \$100,000	30077
More than \$200,000	\$10,539.35 plus 6.87% of the amount in excess of \$200,000	30078
(4) For taxable years beginning in 2007:		30079
OHIO ADJUSTED GROSS INCOME LESS		30080
EXEMPTIONS (INDIVIDUALS)		
OR		30081

MODIFIED OHIO		30082
TAXABLE INCOME (TRUSTS)		30083
OR		30084
OHIO TAXABLE INCOME (ESTATES)	TAX	30085
\$5,000 or less	.649%	30086
More than \$5,000 but not more than \$10,000	\$32.45 plus 1.299% of the amount in excess of \$5,000	30087
More than \$10,000 but not more than \$15,000	\$97.40 plus 2.598% of the amount in excess of \$10,000	30088
More than \$15,000 but not more than \$20,000	\$227.30 plus 3.247% of the amount in excess of \$15,000	30089
More than \$20,000 but not more than \$40,000	\$389.65 plus 3.895% of the amount in excess of \$20,000	30090
More than \$40,000 but not more than \$80,000	\$1,168.65 plus 4.546% of the amount in excess of \$40,000	30091
More than \$80,000 but not more than \$100,000	\$2,987.05 plus 5.194% of the amount in excess of \$80,000	30092
More than \$100,000 but not more than \$200,000	\$4,025.85 plus 6.031% of the amount in excess of \$100,000	30093
More than \$200,000	\$10,056.85 plus 6.555% of the amount in excess of \$200,000	30094
(5) For taxable years beginning in 2008, 2009, or 2010:		30095
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		30096
OR		30097
MODIFIED OHIO TAXABLE INCOME (TRUSTS)		30098
OR		30099
OHIO TAXABLE INCOME (ESTATES)	TAX	30100
\$5,000 or less	.618%	30102
More than \$5,000 but not more than \$10,000	\$30.90 plus 1.236% of the amount in excess of \$5,000	30103
More than \$10,000 but not more	\$92.70 plus 2.473% of the amount	30104

than \$15,000	in excess of \$10,000	
More than \$15,000 but not more than \$20,000	\$216.35 plus 3.091% of the amount in excess of \$15,000	30105
More than \$20,000 but not more than \$40,000	\$370.90 plus 3.708% of the amount in excess of \$20,000	30106
More than \$40,000 but not more than \$80,000	\$1,112.50 plus 4.327% of the amount in excess of \$40,000	30107
More than \$80,000 but not more than \$100,000	\$2,843.30 plus 4.945% of the amount in excess of \$80,000	30108
More than \$100,000 but not more than \$200,000	\$3,832.30 plus 5.741% of the amount in excess of \$100,000	30109
More than \$200,000	\$9,573.30 plus 6.24% of the amount in excess of \$200,000	30110
(6) For taxable years beginning in 2011 or 2012:		30111
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		30112
OR		30113
MODIFIED OHIO		30114
TAXABLE INCOME (TRUSTS)		30115
OR		30116
OHIO TAXABLE INCOME (ESTATES)	TAX	30117
\$5,000 or less	.587%	30118
More than \$5,000 but not more than \$10,000	\$29.35 plus 1.174% of the amount in excess of \$5,000	30119
More than \$10,000 but not more than \$15,000	\$88.05 plus 2.348% of the amount in excess of \$10,000	30120
More than \$15,000 but not more than \$20,000	\$205.45 plus 2.935% of the amount in excess of \$15,000	30121
More than \$20,000 but not more than \$40,000	\$352.20 plus 3.521% of the amount in excess of \$20,000	30122
More than \$40,000 but not more than \$80,000	\$1,056.40 plus 4.109% of the amount in excess of \$40,000	30123
More than \$80,000 but not more	\$2,700.00 plus 4.695% of the	30124

than \$100,000	amount in excess of \$80,000	
More than \$100,000 but not more than \$200,000	\$3,639.00 plus 5.451% of the amount in excess of \$100,000	30125
More than \$200,000	\$9,090.00 plus 5.925% of the amount in excess of \$200,000	30126
(7) For taxable years beginning in 2013:		30127
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		30128
OR		30129
MODIFIED OHIO		30130
TAXABLE INCOME (TRUSTS)		30131
OR		30132
OHIO TAXABLE INCOME (ESTATES)	TAX	30133
\$5,000 or less	.537%	30134
More than \$5,000 but not more than \$10,000	\$26.86 plus 1.074% of the amount in excess of \$5,000	30135
More than \$10,000 but not more than \$15,000	\$80.57 plus 2.148% of the amount in excess of \$10,000	30136
More than \$15,000 but not more than \$20,000	\$187.99 plus 2.686% of the amount in excess of \$15,000	30137
More than \$20,000 but not more than \$40,000	\$322.26 plus 3.222% of the amount in excess of \$20,000	30138
More than \$40,000 but not more than \$80,000	\$966.61 plus 3.760% of the amount in excess of \$40,000	30139
More than \$80,000 but not more than \$100,000	\$2,470.50 plus 4.296% of the amount in excess of \$80,000	30140
More than \$100,000 but not more than \$200,000	\$3,329.68 plus 4.988% of the amount in excess of \$100,000	30141
More than \$200,000	\$8,317.35 plus 5.421% of the amount in excess of \$200,000	30142
(8) For taxable years beginning in 2014 <u>or thereafter</u> :		30143
OHIO ADJUSTED GROSS INCOME LESS		30144

EXEMPTIONS (INDIVIDUALS)		
OR		30145
MODIFIED OHIO		30146
TAXABLE INCOME (TRUSTS)		30147
OR		30148
OHIO TAXABLE INCOME (ESTATES)	TAX	30149
\$5,000 or less	.534%	30150
More than \$5,000 but not more than \$10,000	\$26.71 plus 1.068% of the amount in excess of \$5,000	30151
More than \$10,000 but not more than \$15,000	\$80.13 plus 2.137% of the amount in excess of \$10,000	30152
More than \$15,000 but not more than \$20,000	\$186.96 plus 2.671% of the amount in excess of \$15,000	30153
More than \$20,000 but not more than \$40,000	\$320.50 plus 3.204% of the amount in excess of \$20,000	30154
More than \$40,000 but not more than \$80,000	\$961.32 plus 3.739% of the amount in excess of \$40,000	30155
More than \$80,000 but not more than \$100,000	\$2,457.00 plus 4.272% of the amount in excess of \$80,000	30156
More than \$100,000 but not more than \$200,000	\$3,311.49 plus 4.960% of the amount in excess of \$100,000	30157
More than \$200,000	\$8,271.90 plus 5.392% of the amount in excess of \$200,000	30158
(9) For taxable years beginning in 2015 or thereafter:		30159
OHIO ADJUSTED GROSS INCOME LESS		30160
EXEMPTIONS (INDIVIDUALS)		
 OR		30161
 MODIFIED OHIO		30162
 TAXABLE INCOME (TRUSTS)		30163
 OR		30164
 OHIO TAXABLE INCOME (ESTATES)	TAX	30165
\$5,000 or less	.528%	30166
More than \$5,000 but not more	\$26.41 plus 1.057% of the amount	30167

than \$10,000	in excess of \$5,000	
More than \$10,000 but not more than \$15,000	\$79.24 plus 2.113% of the amount in excess of \$10,000	30168
More than \$15,000 but not more than \$20,000	\$184.90 plus 2.642% of the amount in excess of \$15,000	30169
More than \$20,000 but not more than \$40,000	\$316.98 plus 3.169% of the amount in excess of \$20,000	30170
More than \$40,000 but not more than \$80,000	\$950.76 plus 3.698% of the amount in excess of \$40,000	30171
More than \$80,000 but not more than \$100,000	\$2,430.00 plus 4.226% of the amount in excess of \$80,000	30172
More than \$100,000 but not more than \$200,000	\$3,275.10 plus 4.906% of the amount in excess of \$100,000	30173
More than \$200,000	\$8,181.00 plus 5.333% of the amount in excess of \$200,000	30174

Except as otherwise provided in this division, in August of each year, the tax commissioner shall make a new adjustment to the income amounts prescribed in this division by multiplying the percentage increase in the gross domestic product deflator computed that year under section 5747.025 of the Revised Code by each of the income amounts resulting from the adjustment under this division in the preceding year, adding the resulting product to the corresponding income amount resulting from the adjustment in the preceding year, and rounding the resulting sum to the nearest multiple of fifty dollars. The tax commissioner also shall recompute each of the tax dollar amounts to the extent necessary to reflect the new adjustment of the income amounts. The rates of taxation shall not be adjusted.

The adjusted amounts apply to taxable years beginning in the calendar year in which the adjustments are made and to taxable years beginning in each ensuing calendar year until a calendar year in which a new adjustment is made pursuant to this division. The tax commissioner shall not make a new adjustment in any year

in which the amount resulting from the adjustment would be less 30193
than the amount resulting from the adjustment in the preceding 30194
year. The commissioner shall not make a new adjustment for taxable 30195
years beginning in 2013, 2014, or 2015. 30196

(B) If the director of budget and management makes a 30197
certification to the tax commissioner under division (B) of 30198
section 131.44 of the Revised Code, the amount of tax as 30199
determined under division (A) of this section shall be reduced by 30200
the percentage prescribed in that certification for taxable years 30201
beginning in the calendar year in which that certification is 30202
made. 30203

(C) The levy of this tax on income does not prevent a 30204
municipal corporation, a joint economic development zone created 30205
under section 715.691, or a joint economic development district 30206
created under section 715.70 or 715.71 or sections 715.72 to 30207
715.81 of the Revised Code from levying a tax on income. 30208

(D) This division applies only to taxable years of a trust 30209
beginning in 2002 or thereafter. 30210

(1) The tax imposed by this section on a trust shall be 30211
computed by multiplying the Ohio modified taxable income of the 30212
trust by the rates prescribed by division (A) of this section. 30213

(2) A resident trust may claim a credit against the tax 30214
computed under division (D) of this section equal to the lesser of 30215
(1) the tax paid to another state or the District of Columbia on 30216
the resident trust's modified nonbusiness income, other than the 30217
portion of the resident trust's nonbusiness income that is 30218
qualifying investment income as defined in section 5747.012 of the 30219
Revised Code, or (2) the effective tax rate, based on modified 30220
Ohio taxable income, multiplied by the resident trust's modified 30221
nonbusiness income other than the portion of the resident trust's 30222
nonbusiness income that is qualifying investment income. The 30223

credit applies before any other applicable credits. 30224

(3) The credits enumerated in divisions (A)(1) to (13) of 30225
section 5747.98 of the Revised Code do not apply to a trust 30226
subject to division (D) of this section. Any credits enumerated in 30227
other divisions of section 5747.98 of the Revised Code apply to a 30228
trust subject to division (D) of this section. To the extent that 30229
the trust distributes income for the taxable year for which a 30230
credit is available to the trust, the credit shall be shared by 30231
the trust and its beneficiaries. The tax commissioner and the 30232
trust shall be guided by applicable regulations of the United 30233
States treasury regarding the sharing of credits. 30234

(E) For the purposes of this section, "trust" means any trust 30235
described in Subchapter J of Chapter 1 of the Internal Revenue 30236
Code, excluding trusts that are not irrevocable as defined in 30237
division (I)(3)(b) of section 5747.01 of the Revised Code and that 30238
have no modified Ohio taxable income for the taxable year, 30239
charitable remainder trusts, qualified funeral trusts and preneed 30240
funeral contract trusts established pursuant to sections 4717.31 30241
to 4717.38 of the Revised Code that are not qualified funeral 30242
trusts, endowment and perpetual care trusts, qualified settlement 30243
trusts and funds, designated settlement trusts and funds, and 30244
trusts exempted from taxation under section 501(a) of the Internal 30245
Revenue Code. 30246

Sec. 5747.025. (A) ~~Except as otherwise provided in this~~ 30247
~~division~~ For taxable years beginning in 2014 or 2015, the personal 30248
exemption for the taxpayer and, the taxpayer's spouse, and each 30249
dependent shall be ~~seven hundred fifty dollars each for the~~ 30250
~~taxable year beginning in 1996, eight hundred fifty dollars each~~ 30251
~~for the taxable year beginning in 1997, nine hundred fifty dollars~~ 30252
~~each for the taxable year beginning in 1998, and one thousand~~ 30253
~~fifty dollars each for the taxable year beginning in 1999 and~~ 30254

~~taxable years beginning after 1999. The one of the following~~ 30255
~~amounts:~~ 30256

~~(1) Two thousand two hundred dollars if the taxpayer's Ohio~~ 30257
~~adjusted gross income for the taxable year as shown on an~~ 30258
~~individual or joint annual return is less than or equal to forty~~ 30259
~~thousand dollars;~~ 30260

~~(2) One thousand nine hundred fifty dollars if the taxpayer's~~ 30261
~~Ohio adjusted gross income for the taxable year as shown on an~~ 30262
~~individual or joint annual return is greater than forty thousand~~ 30263
~~dollars but less than or equal to eighty thousand dollars;~~ 30264

~~(3) One thousand seven hundred dollars if the taxpayer's Ohio~~ 30265
~~adjusted gross income for the taxable year as shown on an~~ 30266
~~individual or joint annual return is greater than eighty thousand~~ 30267
~~dollars.~~ 30268

~~(B) For taxable years beginning in 2016 and thereafter, the~~ 30269
~~personal exemption ~~amount~~ amounts prescribed in ~~this~~ division ~~for~~~~ 30270
~~~~taxable years beginning after 1999~~ (A) of this section shall be~~ 30271  
adjusted each year in the manner prescribed in division (C) of 30272  
this section. In the case of an individual with respect to whom an 30273  
exemption under section 5747.02 of the Revised Code is allowable 30274  
to another taxpayer for a taxable year beginning in the calendar 30275  
year in which the individual's taxable year begins, the exemption 30276  
amount applicable to such individual for such individual's taxable 30277  
year shall be zero. 30278

~~(B) The personal exemption for each dependent shall be eight~~ 30279  
~~hundred fifty dollars for the taxable year beginning in 1996, and~~ 30280  
~~one thousand fifty dollars for the taxable year beginning in 1997~~ 30281  
~~and taxable years beginning after 1997. The personal exemption~~ 30282  
~~amount prescribed in this division for taxable years beginning~~ 30283  
~~after 1999 shall be adjusted each year in the manner prescribed in~~ 30284  
~~division (C) of this section.~~ 30285

(C) Except as otherwise provided in this division, in August 30286  
of each year, the tax commissioner shall determine the percentage 30287  
increase in the gross domestic product deflator determined by the 30288  
bureau of economic analysis of the United States department of 30289  
commerce from the first day of January of the preceding calendar 30290  
year to the last day of December of the preceding year, and make a 30291  
new adjustment to the personal exemption amount for taxable years 30292  
beginning in the current calendar year by multiplying that amount 30293  
by the percentage increase in the gross domestic product deflator 30294  
for that period; adding the resulting product to the personal 30295  
exemption amount for taxable years beginning in the preceding 30296  
calendar year; and rounding the resulting sum upward to the 30297  
nearest multiple of fifty dollars. The adjusted amount applies to 30298  
taxable years beginning in the calendar year in which the 30299  
adjustment is made and to taxable years beginning in each ensuing 30300  
calendar year until a calendar year in which a new adjustment is 30301  
made pursuant to this division. The commissioner shall not make a 30302  
new adjustment in any calendar year in which the amount resulting 30303  
from the adjustment would be less than the amount resulting from 30304  
the adjustment in the preceding calendar year. ~~The commissioner 30305  
shall not make a new adjustment for taxable years beginning in 30306  
2013, 2014, or 2015.~~ 30307

**Sec. 5747.50.** (A) As used in this section: 30308

(1) "County's proportionate share of the calendar year 2007 30309  
LGF and LGRAF distributions" means the percentage computed for the 30310  
county under division (B)(1)(a) of section 5747.501 of the Revised 30311  
Code. 30312

(2) "County's proportionate share of the total amount of the 30313  
local government fund additional revenue formula" means each 30314  
county's proportionate share of the state's population as 30315  
determined for and certified to the county for distributions to be 30316

made during the current calendar year under division (B)(2)(a) of 30317  
section 5747.501 of the Revised Code. If prior to the first day of 30318  
January of the current calendar year the federal government has 30319  
issued a revision to the population figures reflected in the 30320  
estimate produced pursuant to division (B)(2)(a) of section 30321  
5747.501 of the Revised Code, such revised population figures 30322  
shall be used for making the distributions during the current 30323  
calendar year. 30324

(3) "2007 LGF and LGRAF county distribution base available in 30325  
that month" means the lesser of the amounts described in division 30326  
(A)(3)(a) and (b) of this section, provided that the amount shall 30327  
not be less than zero: 30328

(a) The total amount available for distribution to counties 30329  
from the local government fund during the current month. 30330

(b) The total amount distributed to counties from the local 30331  
government fund and the local government revenue assistance fund 30332  
to counties in calendar year 2007 less the total amount 30333  
distributed to counties under division (B)(1) of this section 30334  
during previous months of the current calendar year. 30335

(4) "Local government fund additional revenue distribution 30336  
base available during that month" means the total amount available 30337  
for distribution to counties during the month from the local 30338  
government fund, less any amounts to be distributed in that month 30339  
from the local government fund under division (B)(1) of this 30340  
section, provided that the local government fund additional 30341  
revenue distribution base available during that month shall not be 30342  
less than zero. 30343

(5) "Total amount available for distribution to counties" 30344  
means the total amount available for distribution from the local 30345  
government fund during the current month less the total amount 30346  
available for distribution to municipal corporations during the 30347

current month under division (C) of this section. 30348

(B) On or before the tenth day of each month, the tax 30349  
commissioner shall provide for payment to each county an amount 30350  
equal to the sum of: 30351

(1) The county's proportionate share of the calendar year 30352  
2007 LGF and LGRAF distributions multiplied by the 2007 LGF and 30353  
LGRAF county distribution base available in that month, provided 30354  
that if the 2007 LGF and LGRAF county distribution base available 30355  
in that month is zero, no payment shall be made under division 30356  
(B)(1) of this section for the month or the remainder of the 30357  
calendar year; and 30358

(2) The county's proportionate share of the total amount of 30359  
the local government fund additional revenue formula multiplied by 30360  
the local government fund additional revenue distribution base 30361  
available during that month. 30362

Money received into the treasury of a county under this 30363  
division shall be credited to the undivided local government fund 30364  
in the treasury of the county on or before the fifteenth day of 30365  
each month. On or before the twentieth day of each month, the 30366  
county auditor shall issue warrants against all of the undivided 30367  
local government fund in the county treasury in the respective 30368  
amounts allowed as provided in section 5747.51 of the Revised 30369  
Code, and the treasurer shall distribute and pay such sums to the 30370  
subdivision therein. 30371

(C)(1) As used in division (C) of this section: 30372

(a) "Total amount available for distribution to 30373  
municipalities during the current month" means the product 30374  
obtained by multiplying the total amount available for 30375  
distribution from the local government fund during the current 30376  
month by the aggregate municipal share. 30377

(b) "Aggregate municipal share" means the quotient obtained 30378



by dividing the total amount distributed directly from the local 30379  
government fund to municipal corporations during calendar year 30380  
2007 by the total distributions from the local government fund and 30381  
local government revenue assistance fund during calendar year 30382  
2007. 30383

(2) On or before the tenth day of each month, the tax 30384  
commissioner shall provide for payment from the local government 30385  
fund to each municipal corporation an amount equal to the product 30386  
derived by multiplying the municipal corporation's percentage of 30387  
the total amount distributed to all such municipal corporations 30388  
under this division during calendar year 2007 by the total amount 30389  
available for distribution to municipal corporations during the 30390  
current month. 30391

(3) Payments received by a municipal corporation under this 30392  
division shall be paid into its general fund and may be used for 30393  
any lawful purpose. 30394

(4) The amount distributed to municipal corporations under 30395  
this division during any calendar year shall not exceed the amount 30396  
distributed directly from the local government fund to municipal 30397  
corporations during calendar year 2007. If that maximum amount is 30398  
reached during any month, distributions to municipal corporations 30399  
in that month shall be as provided in divisions (C)(1) and (2) of 30400  
this section, but no further distributions shall be made to 30401  
municipal corporations under division (C) of this section during 30402  
the remainder of the calendar year. 30403

(5) Upon being informed of a municipal corporation's 30404  
dissolution, the tax commissioner shall cease providing for 30405  
payments to that municipal corporation under division (C) of this 30406  
section. The proportionate shares of the total amount available 30407  
for distribution to each of the remaining municipal corporations 30408  
under this division shall be increased on a pro rata basis. 30409

(D) Each municipal corporation ~~which has in effect a tax~~ 30410  
~~imposed under Chapter 718. of the Revised Code that imposes a tax~~ 30411  
on income shall, no later than the thirty-first day of August of 30412  
each year, certify to the tax commissioner the total amount of 30413  
income taxes collected by ~~such the~~ municipal corporation ~~pursuant~~ 30414  
~~to such chapter~~ during the preceding calendar year, the amount of 30415  
such revenue derived from taxes paid by resident individuals, and 30416  
the amount of such revenue derived from taxes paid by nonresident 30417  
individuals. The commissioner shall publish that information on 30418  
the department of taxation's web site. The tax commissioner may 30419  
withhold payment of local government fund moneys pursuant to 30420  
division (C) of this section from any municipal corporation ~~for~~ 30421  
~~failure that fails~~ to comply with this reporting requirement. 30422

**Sec. 5747.71.** ~~For taxable years beginning on or after January~~ 30423  
~~1, 2013, there~~ There is hereby allowed a nonrefundable credit 30424  
against the tax imposed by section 5747.02 of the Revised Code for 30425  
a taxpayer who is an "eligible individual" as defined in section 30426  
32 of the Internal Revenue Code. The credit shall equal five per 30427  
cent of the credit allowed on the taxpayer's federal income tax 30428  
return pursuant to section 32 of the Internal Revenue Code for ~~the~~ 30429  
taxable year years beginning in 2013, and ten per cent of the 30430  
federal credit allowed for taxable years beginning in or after 30431  
2014. If the Ohio adjusted gross income of the taxpayer, or the 30432  
taxpayer and the taxpayer's spouse if the taxpayer and the 30433  
taxpayer's spouse file a joint return under section 5747.08 of the 30434  
Revised Code, less applicable exemptions under section 5747.025 of 30435  
the Revised Code, exceeds twenty thousand dollars, the credit 30436  
authorized by this section shall not exceed fifty per cent of the 30437  
amount of tax otherwise due under section 5747.02 of the Revised 30438  
Code after deducting any other nonrefundable credits that precede 30439  
the credit allowed under this section in the order prescribed by 30440  
section 5747.98 of the Revised Code except for the joint filing 30441

credit authorized under division (G) of section 5747.05 of the Revised Code. In all other cases, the credit authorized by this section shall not exceed the amount of tax otherwise due under section 5747.02 of the Revised Code after deducting any other nonrefundable credits that precede the credit allowed under this section in the order prescribed by section 5747.98 of the Revised Code.

The credit shall be claimed in the order prescribed by section 5747.98 of the Revised Code.

**Section 101.02.** That existing sections 7.10, 7.16, 9.37, 9.482, 9.90, 9.91, 103.63, 118.27, 121.084, 122.12, 122.121, 122.861, 124.32, 125.13, 125.182, 126.21, 126.25, 131.35, 133.06, 133.07, 135.143, 149.311, 149.38, 153.56, 156.03, 163.15, 163.53, 163.54, 163.55, 164.26, 173.47, 175.04, 175.05, 175.06, 191.01, 306.04, 307.699, 307.982, 340.02, 340.021, 341.12, 757.03, 757.04, 757.05, 757.06, 757.07, 757.08, 955.01, 955.05, 1321.535, 1321.55, 1322.03, 1322.031, 1322.04, 1322.041, 1322.051, 1322.06, 1322.11, 1345.06, 1711.50, 1711.53, 1724.10, 1901.08, 2101.026, 2151.417, 2151.421, 2152.19, 2305.09, 2710.06, 2743.191, 2907.28, 2915.08, 2929.20, 2945.402, 3123.89, 3303.41, 3313.372, 3314.08, 3317.02, 3317.0217, 3317.06, 3318.36, 3358.03, 3517.20, 3701.132, 3701.34, 3701.74, 3701.83, 3702.511, 3702.52, 3702.526, 3702.59, 3702.71, 3702.74, 3702.75, 3702.91, 3702.95, 3721.02, 3730.09, 3735.31, 3735.67, 3737.02, 3745.71, 3772.02, 4141.01, 4141.09, 4141.11, 4141.131, 4141.20, 4141.25, 4141.29, 4141.35, 4303.021, 4503.44, 4511.191, 4715.14, 4715.30, 4715.302, 4717.10, 4723.28, 4723.486, 4723.487, 4725.01, 4725.091, 4725.092, 4725.16, 4725.19, 4729.12, 4729.54, 4729.541, 4729.65, 4729.80, 4729.83, 4729.86, 4730.25, 4730.48, 4730.53, 4731.055, 4731.15, 4731.155, 4731.22, 4731.24, 4731.241, 4731.281, 4737.045, 4758.01, 4758.02, 4758.06, 4758.16, 4758.20, 4758.21, 4758.23, 4758.24, 4758.26, 4758.28, 4758.29,

4758.30, 4758.31, 4758.35, 4758.36, 4758.50, 4758.51, 4758.55, 30473  
4758.561, 4758.59, 4758.60, 4758.61, 4758.71, 4781.04, 4905.911, 30474  
4906.20, 4906.201, 4923.02, 5104.03, 5104.34, 5104.341, 5104.38, 30475  
5119.40, 5123.01, 5123.011, 5123.012, 5123.16, 5123.162, 5123.19, 30476  
5123.191, 5123.21, 5123.61, 5123.75, 5123.76, 5123.89, 5124.01, 30477  
5124.101, 5124.106, 5124.15, 5124.151, 5124.17, 5124.19, 5124.21, 30478  
5124.28, 5124.38, 5124.60, 5124.61, 5124.62, 5124.67, 5126.01, 30479  
5126.02, 5126.022, 5126.0219, 5126.041, 5126.046, 5126.051, 30480  
5126.08, 5126.21, 5126.25, 5126.42, 5126.43, 5126.45, 5139.05, 30481  
5139.34, 5139.36, 5136.41, 5153.21, 5153.42, 5165.03, 5165.031, 30482  
5165.10, 5165.106, 5165.15, 5165.23, 5165.25, 5165.65, 5165.68, 30483  
5513.01, 5531.10, 5703.052, 5703.21, 5705.10, 5709.12, 5709.121, 30484  
5709.40, 5713.012, 5713.08, 5715.19, 5715.27, 5717.01, 5727.111, 30485  
5739.05, 5739.09, 5747.02, 5747.025, 5747.50, and 5747.71 of the 30486  
Revised Code are hereby repealed. That existing Section 323.280 of 30487  
Am. Sub. H.B. 59 of the 130th General Assembly is hereby repealed. 30488

**Section 105.01.** That sections 1322.063, 3125.191, 3702.93, 30489  
4171.03, 4171.04, 5124.63, 5124.64, and 5126.037 of the Revised 30490  
Code are hereby repealed. 30491

**Section 125.10.** Section 5101.345 of the Revised Code is 30492  
hereby repealed effective the first day of the forty-ninth month 30493  
after the effective date of that section. 30494

**Section 503.10.** APPROPRIATIONS RELATED TO GRANT 30495  
RECONCILIATION AND CLOSE-OUT 30496

If, pursuant to the reconciliation and close-out process for 30497  
a grant received by a state agency, an amount is identified as 30498  
both unspent and requiring remittance to the grantor, the director 30499  
of the agency may request the Director of Budget and Management to 30500  
authorize additional expenditures to return the unspent cash to 30501  
the grantor. Upon approval of the Director of Budget and 30502

Management, the additional amounts are hereby appropriated. 30503

**Section 503.30.** CLEAN OHIO CONSERVATION GRANT REPAYMENTS 30504

Any grant repayment received by the Public Works Commission 30505  
and deposited into the Clean Ohio Conservation Fund (Fund 7056) 30506  
pursuant to section 164.261 of the Revised Code is hereby 30507  
appropriated in appropriation item C15060, Clean Ohio 30508  
Conservation. 30509

**Section 509.10.** REESTABLISHING ENCUMBRANCES THAT USE OUTDATED 30510  
EXPENSE ACCOUNT CODES 30511

On or after January 1, 2015, should the Director of Budget 30512  
and Management elect to update expense account codes pursuant to 30513  
the authority granted in division (A)(2) of section 126.21 of the 30514  
Revised Code, the Director may cancel any existing operating or 30515  
capital encumbrances from prior fiscal years that reference 30516  
outdated expense account codes and, if needed, reestablish them 30517  
against the same appropriation items referencing updated expense 30518  
account codes. The reestablished encumbrance amounts are hereby 30519  
appropriated. Any business commenced but not completed under the 30520  
prior encumbrances by January 1, 2015, shall be completed under 30521  
the new encumbrances in the same manner and with the same effect 30522  
as if it was completed with regard to the old encumbrances. 30523

**Section 509.20.** The Department of Natural Resources is hereby 30524  
authorized, pursuant to and consistent with the requirements of 30525  
Chapter 127. of the Revised Code, to use moneys appropriated to it 30526  
from the Ohio Parks and Natural Resources Fund (Fund 7031) and the 30527  
Parks and Recreation Improvement Fund (Fund 7035) for capital 30528  
projects, including, but not limited to, improvements or 30529  
renovations on land or property owned by the department but used 30530  
and operated, under a lease or other agreement, by an entity other 30531  
than the department. No moneys shall be released under the 30532

authority of this section until the Director of Natural Resources 30533  
has certified in writing to the Director of the Office of Budget 30534  
and Management that the project will enhance the use and enjoyment 30535  
of Ohio's state parks and natural resources. 30536

**Section 512.10.** On July 1, 2014, or as soon as possible 30537  
thereafter, the Director of Budget and Management shall transfer 30538  
the cash balance in the Education Endowment Fund (Fund P087) to 30539  
the Education Facilities Trust Fund (Fund N087). Upon completion 30540  
of the transfer, Fund P087 is abolished. 30541

**Section 512.20.** On July 1, 2014, or as soon as possible 30542  
thereafter, the Director of Budget and Management shall transfer 30543  
the cash balance in the Healthcare Services Fund (Fund 3W50), 30544  
Healthy Ohioans Initiatives Fund (Fund 5BL0), Alcohol Testing 30545  
Program Fund (Fund 5C00), TANF Family Planning Fund (Fund 5C10), 30546  
Poison Control Fund (Fund 5CB0), Sewage Treatment System 30547  
Innovation Fund (Fund 5CJ0), and the Health Emergency Fund (Fund 30548  
5EC0) to the General Revenue Fund. Upon the completion of these 30549  
transfers, Fund 3W50, Fund 5BL0, Fund 5C00, Fund 5C10, Fund 5CB0, 30550  
Fund 5CJ0, and Fund 5EC0 are abolished. 30551

**Section 512.30.** ABOLISHMENT OF INACTIVE FUNDS USED BY THE 30552  
DEPARTMENT OF JOB AND FAMILY SERVICES 30553

Within ninety days of the effective date of this section, or 30554  
as soon as possible thereafter, the Director of Budget and 30555  
Management shall transfer all cash in the following funds to the 30556  
Administration and Operating Fund (Fund 5DM0) used by the 30557  
Department of Job and Family Services: 30558

The State and Local Training Fund (Fund 3160), 30559

The Job Training Program Fund (Fund 3650), 30560

|                                                            |       |
|------------------------------------------------------------|-------|
| The Income Maintenance Reimbursement Fund (Fund 3A10),     | 30561 |
| The ABD Managed Care - Federal Fund (Fund 3AZ0),           | 30562 |
| The Children's Hospitals - Federal Fund (Fund 3BB0),       | 30563 |
| The Ford Foundation Reimbursement Fund (Fund 3G90),        | 30564 |
| The TANF - Employment & Training Fund (Fund 3S90),         | 30565 |
| The HIPPY Program Fund (Fund 3W80),                        | 30566 |
| The Adoption Connection Fund (Fund 3W90),                  | 30567 |
| The Interagency Programs Fund (Fund 4G10),                 | 30568 |
| The Welfare Overpayment Intercept Fund (Fund 4K70),        | 30569 |
| The Wellness Block Grant Fund (Fund 4N70),                 | 30570 |
| The Banking Fees Fund (Fund 4R30),                         | 30571 |
| The BCII Service Fees Fund (Fund 4R40),                    | 30572 |
| The Child Support Activities Fund (Fund 4V20),             | 30573 |
| The BES Automation Administration Fund (Fund 5A50),        | 30574 |
| The Public Assistance Reconciliation Fund (Fund 5AX0),     | 30575 |
| The Child Support Operating Fund (Fund 5BE0),              | 30576 |
| The ABD Managed Care - State Fund (Fund 5BZ0),             | 30577 |
| The Private Child Care Agencies Training Fund (Fund 5E40), | 30578 |
| The EBT Contracted Services Fund (Fund 5E50),              | 30579 |
| The State Option Food Stamp Program Fund (Fund 5E60),      | 30580 |
| The BES Building Consolidation Fund (Fund 5F20),           | 30581 |
| The BES Building Enhancement Fund (Fund 5F30),             | 30582 |
| The Commission on Fatherhood Fund (Fund 5G30),             | 30583 |
| The Child & Adult Protective Services Fund (Fund 5GV0),    | 30584 |
| The Child Support Supplement Fund (Fund 5K60),             | 30585 |

|                                                                      |       |
|----------------------------------------------------------------------|-------|
| The OhioWorks Supplement Fund (Fund 5L40),                           | 30586 |
| The County Technologies Fund (Fund 5N10),                            | 30587 |
| The TANF Child Welfare Fund (Fund 5P40),                             | 30588 |
| The Medicaid Admin Reimbursement Fund (Fund 5P60),                   | 30589 |
| The Child Support Special Payment Fund (Fund 5T20),                  | 30590 |
| The Federal Fiscal Relief Fund (Fund 5Y90),                          | 30591 |
| The Health Care Grants Fund (Fund 5Z50),                             | 30592 |
| The TANF QC Reinvestment Fund (Fund 5Z90),                           | 30593 |
| The Third Party Recoveries Fund (Fund 6000),                         | 30594 |
| The Training Activities Fund (Fund 6130), and                        | 30595 |
| The Ford Foundation Fund (Fund 6A70).                                | 30596 |
| Upon completion of the transfers, all the aforementioned funds       | 30597 |
| listed in this section (except Fund 5DM0) are hereby abolished.      | 30598 |
| Within ninety days after the effective date of this section,         | 30599 |
| or as soon as possible thereafter, the Director of Budget and        | 30600 |
| Management shall transfer all cash in the OhioCare Fund (Fund        | 30601 |
| 4X30), the Human Services Stabilization Fund (Fund 4Z70), and the    | 30602 |
| Managed Care Assessment Fund (Fund 5BG0) to the General Revenue      | 30603 |
| Fund. Upon completion of the transfers, Fund 4X30, Fund 4Z70, and    | 30604 |
| Fund 5BG0 are hereby abolished.                                      | 30605 |
| <b>Section 512.40.</b> On July 1, 2014, or as soon as possible       | 30606 |
| thereafter, the Director of Budget and Management shall transfer     | 30607 |
| the cash balance in the Nursing Facility Technical Assistance Fund   | 30608 |
| (Fund 5L10), to the Residents Protection Fund (Fund 4E30). Upon      | 30609 |
| completion of the transfer, Fund 5L10 is abolished.                  | 30610 |
| <b>Section 610.20.</b> That Sections 207.10, 209.30, 221.10, 241.10, | 30611 |
| 245.10, 257.10, 257.20, 259.10, 259.210, 263.10, 263.230, 263.240,   | 30612 |



263.250, 263.270, 263.320, 263.325, 275.10, 282.10, 282.30, 30613  
 285.10, 285.20, 301.10, 301.33, 301.40, 301.143, 327.10, 327.83, 30614  
 333.10, 340.10, 349.10, 359.10, 363.10, 365.10, 395.10, 403.10, 30615  
 512.70, 512.80, and 751.10 of Am. Sub. H.B. 59 of the 130th 30616  
 General Assembly be amended to read as follows: 30617

**Sec. 207.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES** 30618

General Revenue Fund 30619

|            |                       |    |                        |    |             |       |
|------------|-----------------------|----|------------------------|----|-------------|-------|
| GRF 100403 | Public Employees      | \$ | 309,600                | \$ | 309,600     | 30620 |
|            | Health Care Program   |    |                        |    |             |       |
| GRF 100414 | MARCS Lease Rental    | \$ | 5,133,700              | \$ | 5,135,800   | 30621 |
|            | Payments              |    |                        |    |             |       |
| GRF 100415 | OAKS Lease Rental     | \$ | 22,998,500             | \$ | 22,982,500  | 30622 |
|            | Payments              |    |                        |    |             |       |
| GRF 100416 | STARS Lease Rental    | \$ | 4,976,500              | \$ | 4,973,200   | 30623 |
|            | Payments              |    |                        |    |             |       |
| GRF 100447 | Administrative        | \$ | <del>85,847,800</del>  | \$ | 91,059,600  | 30624 |
|            | Building Lease Rental |    | <u>83,847,800</u>      |    |             |       |
|            | Payments              |    |                        |    |             |       |
| GRF 100448 | Office Building       | \$ | 20,000,000             | \$ | 20,000,000  | 30625 |
|            | Operating Payments    |    |                        |    |             |       |
| GRF 100449 | DAS - Building        | \$ | 7,551,571              | \$ | 7,551,571   | 30626 |
|            | Operating Payments    |    |                        |    |             |       |
| GRF 100452 | Lean Ohio             | \$ | 1,059,624              | \$ | 1,059,624   | 30627 |
| GRF 100456 | State IT Services     | \$ | 1,739,038              | \$ | 1,739,038   | 30628 |
| GRF 100457 | Equal Opportunity     | \$ | 1,910,516              | \$ | 1,910,516   | 30629 |
|            | Services              |    |                        |    |             |       |
| GRF 100459 | Ohio Business Gateway | \$ | 4,049,094              | \$ | 4,049,094   | 30630 |
| GRF 130321 | State Agency Support  | \$ | 2,477,008              | \$ | 2,477,008   | 30631 |
|            | Services              |    |                        |    |             |       |
| TOTAL GRF  | General Revenue Fund  | \$ | <del>158,052,951</del> | \$ | 163,247,551 | 30632 |
|            |                       |    | <u>156,052,951</u>     |    |             |       |

|                             |        |                                       |                             |       |
|-----------------------------|--------|---------------------------------------|-----------------------------|-------|
| General Services Fund Group |        |                                       |                             | 30633 |
| 1120                        | 100616 | DAS Administration                    | \$ 6,127,659 \$ 6,147,659   | 30634 |
| 1150                        | 100632 | Central Service Agency                | \$ 911,580 \$ 927,699       | 30635 |
| 1170                        | 100644 | General Services                      | \$ 12,993,870 \$ 12,993,870 | 30636 |
| Division - Operating        |        |                                       |                             |       |
| 1220                        | 100637 | Fleet Management                      | \$ 4,200,000 \$ 4,200,000   | 30637 |
| 1250                        | 100622 | Human Resources                       | \$ 17,749,839 \$ 17,749,839 | 30638 |
| Division - Operating        |        |                                       |                             |       |
| 1250                        | 100657 | Benefits Communication                | \$ 712,316 \$ 712,316       | 30639 |
| 1280                        | 100620 | Office of Collective Bargaining       | \$ 3,329,507 \$ 3,329,507   | 30640 |
| 1300                        | 100606 | Risk Management Reserve               | \$ 6,635,784 \$ 6,635,784   | 30641 |
| 1320                        | 100631 | DAS Building Management               | \$ 19,343,170 \$ 19,343,170 | 30642 |
| 1330                        | 100607 | IT Services Delivery                  | \$ 57,521,975 \$ 57,521,975 | 30643 |
| 1880                        | 100649 | Equal Opportunity                     | \$ 863,013 \$ 863,013       | 30644 |
| Division - Operating        |        |                                       |                             |       |
| 2100                        | 100612 | State Printing                        | \$ 20,459,526 \$ 20,459,526 | 30645 |
| 2290                        | 100630 | IT Governance                         | \$ 16,446,474 \$ 16,446,474 | 30646 |
| 2290                        | 100640 | Leveraged Enterprise Purchases        | \$ 7,065,639 \$ 7,065,639   | 30647 |
| 4270                        | 100602 | Investment Recovery                   | \$ 1,618,062 \$ 1,638,515   | 30648 |
| 4N60                        | 100617 | Major IT Purchases                    | \$ 56,888,635 \$ 56,888,635 | 30649 |
| 4P30                        | 100603 | DAS Information Services              | \$ 6,400,070 \$ 6,400,070   | 30650 |
| 5C20                        | 100605 | MARCS Administration                  | \$ 14,292,596 \$ 14,512,028 | 30651 |
| 5C30                        | 100608 | Minor Construction Project Management | \$ 1,004,375 \$ 1,004,375   | 30652 |
| 5EB0                        | 100635 | OAKS Support Organization             | \$ 25,813,077 \$ 19,813,077 | 30653 |
| 5EB0                        | 100656 | OAKS Updates and Developments         | \$ 9,886,923 \$ 2,636,923   | 30654 |

|                                    |                        |    |                        |    |             |       |
|------------------------------------|------------------------|----|------------------------|----|-------------|-------|
| 5HU0 100655                        | Construction Reform    | \$ | 150,000                | \$ | 150,000     | 30655 |
|                                    | Demo Compliance        |    |                        |    |             |       |
| 5KZ0 100659                        | Building Improvement   | \$ | 500,000                | \$ | 500,000     | 30656 |
| 5L70 100610                        | Professional           | \$ | 2,100,000              | \$ | 2,100,000   | 30657 |
|                                    | Development            |    |                        |    |             |       |
| 5LA0 100660                        | Building Operation     | \$ | 26,600,767             | \$ | 26,814,648  | 30658 |
| 5LJ0 100661                        | IT Development         | \$ | 13,200,000             | \$ | 13,200,000  | 30659 |
| 5V60 100619                        | Employee Educational   | \$ | 800,000                | \$ | 800,000     | 30660 |
|                                    | Development            |    |                        |    |             |       |
| TOTAL GSF General Services Fund    |                        |    |                        |    |             | 30661 |
| Group                              |                        | \$ | 333,614,857            | \$ | 320,854,742 | 30662 |
| Federal Special Revenue Fund Group |                        |    |                        |    |             | 30663 |
| 3AJ0 100654                        | ARRA Broadband Mapping | \$ | 1,723,009              | \$ | 1,723,009   | 30664 |
|                                    | Grant                  |    |                        |    |             |       |
| TOTAL FED Federal Special Revenue  |                        |    |                        |    |             | 30665 |
| Fund Group                         |                        | \$ | 1,723,009              | \$ | 1,723,009   | 30666 |
| State Special Revenue Fund Group   |                        |    |                        |    |             | 30667 |
| 5JQ0 100658                        | Professionals          | \$ | 3,028,366              | \$ | 990,000     | 30668 |
|                                    | Licensing System       |    |                        |    |             |       |
| 5MV0 100662                        | Theater Equipment      | \$ | 80,891                 | \$ | 80,891      | 30669 |
|                                    | Maintenance            |    |                        |    |             |       |
| 5NM0 100663                        | 911 Program            | \$ | 290,000                | \$ | 290,000     | 30670 |
| TOTAL SSR State Special Revenue    |                        |    |                        |    |             | 30671 |
| Fund Group                         |                        | \$ | 3,399,257              | \$ | 1,360,891   | 30672 |
| TOTAL ALL BUDGET FUND GROUPS       |                        | \$ | <del>496,790,074</del> | \$ | 487,186,193 | 30673 |
|                                    |                        |    | <u>494,790,074</u>     |    |             |       |

**Sec. 209.30. LONG-TERM CARE OMBUDSMAN** 30675

The foregoing appropriation item 490410, Long-Term Care 30676  
 Ombudsman, shall be used to fund ombudsman program activities as 30677  
 authorized in sections 173.14 to 173.27 and section 173.99 of the 30678  
 Revised Code. 30679

The State Ombudsman may explore the design of a payment 30680  
method for the Ombudsman Program that includes a 30681  
pay-for-performance incentive component that is earned by 30682  
designated regional long-term care ombudsman programs. 30683

MYCARE OHIO 30684

The foregoing appropriation items 490410, Long-Term Care 30685  
Ombudsman, 490618, Federal Aging Grants, 490612, Federal 30686  
Independence Services, 490609, Regional Long-Term Care Ombudsman 30687  
Program, and 490620, Ombudsman Support, may be used by the Office 30688  
of the State Long-Term Care Ombudsman to provide ombudsman program 30689  
activities as described in sections 173.14 to 173.27 and section 30690  
173.99 of the Revised Code to consumers participating in MyCare 30691  
Ohio. 30692

SENIOR COMMUNITY SERVICES 30693

The foregoing appropriation item 490411, Senior Community 30694  
Services, shall be used for services designated by the Department 30695  
of Aging, including, but not limited to, home-delivered and 30696  
congregate meals, transportation services, personal care services, 30697  
respite services, adult day services, home repair, care 30698  
coordination, prevention and disease self-management, and decision 30699  
support systems. Service priority shall be given to low income, 30700  
frail, and cognitively impaired persons 60 years of age and over. 30701  
The department shall promote cost sharing by service recipients 30702  
for those services funded with senior community services funds, 30703  
including, when possible, sliding-fee scale payment systems based 30704  
on the income of service recipients. 30705

ALZHEIMER'S RESPITE 30706

The foregoing appropriation item 490414, Alzheimer's Respite, 30707  
shall be used to fund only Alzheimer's disease services under 30708  
section 173.04 of the Revised Code. 30709

NATIONAL SENIOR SERVICE CORPS 30710

The foregoing appropriation item 490506, National Senior Service Corps, shall be used by the Department of Aging to fund grants for three Corporation for National and Community Service/Senior Corps programs: the Foster Grandparents Program, the Senior Companion Program, and the Retired Senior Volunteer Program. A recipient of these grant funds shall use the funds to support priorities established by the Department and the Ohio State Office of the Corporation for National and Community Service. The expenditure of these funds by any grant recipient shall be in accordance with Senior Corps policies and procedures, as stated in the Domestic Volunteer Service Act of 1973, as amended. Neither the Department nor any area agencies on aging that are involved in the distribution of these funds to lower-tiered grant recipients may use any portion of these funds to cover administrative costs.

SENIOR COMMUNITY OUTREACH AND EDUCATION 30726

The foregoing appropriation item 490606, Senior Community Outreach and Education, may be used to provide training to workers in the field of aging pursuant to division (G) of section 173.02 of the Revised Code.

TRANSFER OF APPROPRIATIONS - FEDERAL INDEPENDENCE SERVICES AND FEDERAL AGING GRANTS 30731  
30732

At the request of the Director of Aging, the Director of Budget and Management may transfer appropriation between appropriation items 490612, Federal Independence Services, and 490618, Federal Aging Grants. The amounts transferred shall not exceed 30 per cent of the appropriation from which the transfer is made. Any transfers shall be reported by the Department of Aging to the Controlling Board at the next scheduled meeting of the board.

REGIONAL LONG-TERM CARE OMBUDSMAN PROGRAM 30741

The foregoing appropriation item 490609, Regional Long-Term Care Ombudsman Program, shall be used to pay the costs of operating the regional long-term care ombudsman programs designated by the State Long-Term Care Ombudsman.

TRANSFER OF RESIDENT PROTECTION FUNDS

In each fiscal year, the Director of Budget and Management may transfer up to \$1,250,000 cash from the Resident Protection Fund (Fund 4E30), which is used by the Department of Medicaid, to the Ombudsman Support Fund (Fund 5BA0), which is used by the Department of Aging.

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

The foregoing appropriation item 490613, Long-Term Care Consumers Guide, shall be used to conduct annual consumer satisfaction surveys and to pay for other administrative expenses related to the publication of the Ohio Long-Term Care Consumer Guide.

CASH TRANSFER FROM THE GENERAL OPERATIONS FUND TO THE BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND SUPPORTS FUND

On July 1, 2013, or as soon as possible thereafter, the Director of Health shall certify to the Director of Budget and Management the cash balance relating to the Board of Examiners of Nursing Home Administrators in the General Operations Fund (Fund 4700), used by the Department of Health. Upon receiving this certification, the Director of Budget and Management may transfer this cash from the General Operations Fund (Fund 4700) to the Board of Executives of Long-Term Services and Supports Fund (Fund 5MT0), used by the Department of Aging. If this transfer occurs,

the Director of Budget and Management shall cancel any existing 30773  
encumbrances pertaining to the Board of Examiners of Nursing Home 30774  
Administrators against appropriation item 440647, Fee Supported 30775  
Programs, and re-establish them against appropriation item 490627, 30776  
Board of Executives of LTSS. The re-established encumbrance 30777  
amounts are hereby appropriated. 30778

**Sec. 221.10. AGO ATTORNEY GENERAL** 30779

General Revenue Fund 30780

GRF 055321 Operating Expenses \$ 42,514,169 \$ 43,114,169 30781

GRF 055405 Law-Related Education \$ 100,000 \$ 100,000 30782

GRF 055407 Tobacco Settlement \$ 1,500,000 \$ ~~1,500,000~~ 0 30783  
Enforcement

GRF 055411 County Sheriffs' Pay \$ 757,921 \$ 757,921 30784  
Supplement

GRF 055415 County Prosecutors' \$ 831,499 \$ 831,499 30785  
Pay Supplement

GRF 055501 Rape Crisis Centers \$ 1,000,000 \$ 1,000,000 30786

TOTAL GRF General Revenue Fund \$ 46,703,589 \$ ~~47,303,589~~ 30787  
45,803,589

General Services Fund Group 30788

1060 055612 ~~General Reimbursement~~ \$ 54,806,192 \$ 55,820,716 30789  
Attorney General  
Operating

1950 055660 Workers' Compensation \$ 8,415,504 \$ 8,415,504 30790  
Section

4180 055615 Charitable \$ 8,286,000 \$ 8,286,000 30791  
Foundations

4200 055603 Attorney General \$ 1,839,074 \$ 1,839,074 30792  
Antitrust

4210 055617 Police Officers' \$ 500,000 \$ 500,000 30793  
Training Academy Fee





|                                                                     |        |                                                                        |    |             |    |                                        |       |
|---------------------------------------------------------------------|--------|------------------------------------------------------------------------|----|-------------|----|----------------------------------------|-------|
| 4020                                                                | 055616 | Victims of Crime                                                       | \$ | 16,456,769  | \$ | 16,456,769                             | 30813 |
| 4190                                                                | 055623 | Claims Section                                                         | \$ | 55,920,716  | \$ | 56,937,131                             | 30814 |
| 4L60                                                                | 055606 | DARE Programs                                                          | \$ | 3,578,901   | \$ | 3,486,209                              | 30815 |
| 4Y70                                                                | 055608 | Title Defect Recision                                                  | \$ | 600,000     | \$ | 600,000                                | 30816 |
| 6590                                                                | 055641 | Solid and Hazardous<br>Waste Background<br>Investigations              | \$ | 310,730     | \$ | 310,730                                | 30817 |
| TOTAL SSR State Special Revenue                                     |        |                                                                        |    |             |    |                                        | 30818 |
| Fund Group                                                          |        |                                                                        | \$ | 76,867,116  | \$ | 77,790,839                             | 30819 |
| Holding Account Redistribution Fund Group                           |        |                                                                        |    |             |    |                                        | 30820 |
| R004                                                                | 055631 | General Holding<br>Account                                             | \$ | 1,000,000   | \$ | 1,000,000                              | 30821 |
| R005                                                                | 055632 | Antitrust Settlements                                                  | \$ | 1,000       | \$ | 1,000                                  | 30822 |
| R018                                                                | 055630 | Consumer Frauds                                                        | \$ | 750,000     | \$ | 750,000                                | 30823 |
| R042                                                                | 055601 | Organized Crime<br>Commission<br>Distributions                         | \$ | 25,025      | \$ | 25,025                                 | 30824 |
| R054                                                                | 055650 | Collection Payment<br>Redistribution                                   | \$ | 4,500,000   | \$ | 4,500,000                              | 30825 |
| TOTAL 090 Holding Account                                           |        |                                                                        |    |             |    |                                        | 30826 |
| Redistribution Fund Group                                           |        |                                                                        | \$ | 6,276,025   | \$ | 6,276,025                              | 30827 |
| Tobacco Master Settlement Agreement Fund Group                      |        |                                                                        |    |             |    |                                        | 30828 |
| U087                                                                | 055402 | Tobacco Settlement<br>Oversight,<br>Administration, and<br>Enforcement | \$ | 500,000     | \$ | <del>500,000</del><br><u>2,000,000</u> | 30829 |
| TOTAL TSF Tobacco Master Settlement<br>Agreement Fund Group         |        |                                                                        | \$ | 500,000     | \$ | <del>500,000</del><br><u>2,000,000</u> | 30830 |
| TOTAL ALL BUDGET FUND GROUPS                                        |        |                                                                        | \$ | 245,260,008 | \$ | 247,776,836                            | 30831 |
| OHIO BCI FORENSIC RESEARCH AND PROFESSIONAL TRAINING CENTER         |        |                                                                        |    |             |    |                                        | 30832 |
| Of the foregoing appropriation item 055321, Operating               |        |                                                                        |    |             |    |                                        | 30833 |
| Expenses, \$600,000 in fiscal year 2015 shall be used to create the |        |                                                                        |    |             |    |                                        | 30834 |

Ohio BCI Forensic Research and Professional Training Center at 30835  
Bowling Green State University. The purpose of the Center shall be 30836  
to foster forensic science research techniques (BCI Eminent 30837  
Scholar) and to create professional training opportunities to 30838  
students (BCI Scholars) in the forensic science fields. 30839

COUNTY SHERIFFS' PAY SUPPLEMENT 30840

The foregoing appropriation item 055411, County Sheriffs' Pay 30841  
Supplement, shall be used for the purpose of supplementing the 30842  
annual compensation of county sheriffs as required by section 30843  
325.06 of the Revised Code. 30844

At the request of the Attorney General, the Director of 30845  
Budget and Management may transfer appropriation from 30846  
appropriation item 055321, Operating Expenses, to appropriation 30847  
item 055411, County Sheriffs' Pay Supplement. Any appropriation so 30848  
transferred shall be used to supplement the annual compensation of 30849  
county sheriffs as required by section 325.06 of the Revised Code. 30850

COUNTY PROSECUTORS' PAY SUPPLEMENT 30851

The foregoing appropriation item 055415, County Prosecutors' 30852  
Pay Supplement, shall be used for the purpose of supplementing the 30853  
annual compensation of certain county prosecutors as required by 30854  
section 325.111 of the Revised Code. 30855

At the request of the Attorney General, the Director of 30856  
Budget and Management may transfer appropriation from 30857  
appropriation item 055321, Operating Expenses, to appropriation 30858  
item 055415, County Prosecutors' Pay Supplement. Any appropriation 30859  
so transferred shall be used to supplement the annual compensation 30860  
of county prosecutors as required by section 325.111 of the 30861  
Revised Code. 30862

CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE GENERAL 30863  
REIMBURSEMENT FUND 30864

Notwithstanding any other provision of law to the contrary, 30865  
on July 1, 2013, or as soon as possible thereafter, the Director 30866  
of Budget and Management shall transfer \$80,000 cash from the 30867  
General Revenue Fund to the General Reimbursement Fund (Fund 30868  
1060). 30869

WORKERS' COMPENSATION SECTION 30870

The Workers' Compensation Fund (Fund 1950) is entitled to 30871  
receive payments from the Bureau of Workers' Compensation and the 30872  
Ohio Industrial Commission at the beginning of each quarter of 30873  
each fiscal year to fund legal services to be provided to the 30874  
Bureau of Workers' Compensation and the Ohio Industrial Commission 30875  
during the ensuing quarter. The advance payment shall be subject 30876  
to adjustment. 30877

In addition, the Bureau of Workers' Compensation shall 30878  
transfer payments at the beginning of each quarter for the support 30879  
of the Workers' Compensation Fraud Unit. 30880

All amounts shall be mutually agreed upon by the Attorney 30881  
General, the Bureau of Workers' Compensation, and the Ohio 30882  
Industrial Commission. 30883

ATTORNEY GENERAL PASS-THROUGH FUNDS 30884

The foregoing appropriation item 055638, Attorney General 30885  
Pass-Through Funds, shall be used to receive federal grant funds 30886  
provided to the Attorney General by other state agencies, 30887  
including, but not limited to, the Department of Youth Services 30888  
and the Department of Public Safety. 30889

GENERAL HOLDING ACCOUNT 30890

The foregoing appropriation item 055631, General Holding 30891  
Account, shall be used to distribute moneys under the terms of 30892  
relevant court orders or other settlements received in a variety 30893  
of cases involving the Office of the Attorney General. If it is 30894

determined that additional amounts are necessary for this purpose, 30895  
the amounts are hereby appropriated. 30896

ANTITRUST SETTLEMENTS 30897

The foregoing appropriation item 055632, Antitrust 30898  
Settlements, shall be used to distribute moneys under the terms of 30899  
relevant court orders or other out of court settlements in 30900  
antitrust cases or antitrust matters involving the Office of the 30901  
Attorney General. If it is determined that additional amounts are 30902  
necessary for this purpose, the amounts are hereby appropriated. 30903

CONSUMER FRAUDS 30904

The foregoing appropriation item 055630, Consumer Frauds, 30905  
shall be used for distribution of moneys from court-ordered 30906  
judgments against sellers in actions brought by the Office of 30907  
Attorney General under sections 1334.08 and 4549.48 and division 30908  
(B) of section 1345.07 of the Revised Code. These moneys shall be 30909  
used to provide restitution to consumers victimized by the fraud 30910  
that generated the court-ordered judgments. If it is determined 30911  
that additional amounts are necessary for this purpose, the 30912  
amounts are hereby appropriated. 30913

ORGANIZED CRIME COMMISSION DISTRIBUTIONS 30914

The foregoing appropriation item 055601, Organized Crime 30915  
Commission Distributions, shall be used by the Organized Crime 30916  
Investigations Commission, as provided by section 177.011 of the 30917  
Revised Code, to reimburse political subdivisions for the expenses 30918  
the political subdivisions incur when their law enforcement 30919  
officers participate in an organized crime task force. If it is 30920  
determined that additional amounts are necessary for this purpose, 30921  
the amounts are hereby appropriated. 30922

COLLECTION PAYMENT REDISTRIBUTION 30923

The foregoing appropriation item 055650, Collection Payment 30924

Redistribution, shall be used for the purpose of allocating the 30925  
revenue where debtors mistakenly paid the client agencies instead 30926  
of the Attorney General's Collections Enforcement Section. If it 30927  
is determined that additional amounts are necessary for this 30928  
purpose, the amounts are hereby appropriated. 30929

OHIO LAW ENFORCEMENT TRAINING FUND RECOMMENDATIONS 30930

By September 1, 2013, the Attorney General, in consultation 30931  
with state and local law enforcement agencies, shall submit to the 30932  
President and Minority Leader of the Senate and the Speaker and 30933  
Minority Leader of the House of Representatives a report 30934  
recommending how to best use moneys collected from the gross 30935  
casino revenue tax, pursuant to Section 6(C)(3)(f) of Article XV, 30936  
Ohio Constitution, and how to best distribute such money for the 30937  
purposes of enhancing public safety and providing additional 30938  
training opportunities to the law enforcement community. The 30939  
report shall expressly include a recommendation for sharing a 30940  
portion of such moneys with local law enforcement agencies 30941  
beginning in fiscal year 2015. 30942

CASH TRANSFERS FROM THE PRE-SECURITIZATION TOBACCO PAYMENTS 30943  
FUND 30944

Notwithstanding section 512.20 of Am. Sub. H.B. 487 of the 30945  
129th General Assembly, on July 1, 2014, or as soon as possible 30946  
thereafter, the Director of Budget and Management may transfer up 30947  
to \$8,000,000 cash from the Pre-Securitization Tobacco Payments 30948  
Fund (Fund 5LS0) to the Tobacco Oversight Administration and 30949  
Enforcement Fund (Fund U087). 30950

**Sec. 241.10.** COM DEPARTMENT OF COMMERCE 30951

General Services Fund Group 30952

1630 800620 Division of \$ 6,200,000 \$ 6,200,000 30953  
Administration

|                                    |        |                        |    |            |    |                      |       |
|------------------------------------|--------|------------------------|----|------------|----|----------------------|-------|
| 1630                               | 800637 | Information Technology | \$ | 6,011,977  | \$ | 6,011,977            | 30954 |
| 5430                               | 800602 | Unclaimed              | \$ | 7,737,546  | \$ | 7,737,546            | 30955 |
|                                    |        | Funds-Operating        |    |            |    |                      |       |
| 5430                               | 800625 | Unclaimed Funds-Claims | \$ | 64,000,000 | \$ | 64,000,000           | 30956 |
| 5F10                               | 800635 | Small Government Fire  | \$ | 300,000    | \$ | 300,000              | 30957 |
|                                    |        | Departments            |    |            |    |                      |       |
| TOTAL GSF General Services Fund    |        |                        |    |            |    |                      | 30958 |
| Group                              |        |                        | \$ | 84,249,523 | \$ | 84,249,523           | 30959 |
| Federal Special Revenue Fund Group |        |                        |    |            |    |                      | 30960 |
| 3480                               | 800622 | Underground Storage    | \$ | 1,129,518  | \$ | 1,129,518            | 30961 |
|                                    |        | Tanks                  |    |            |    |                      |       |
| 3480                               | 800624 | Leaking Underground    | \$ | 1,556,211  | \$ | 1,556,211            | 30962 |
|                                    |        | Storage Tanks          |    |            |    |                      |       |
| TOTAL FED Federal Special Revenue  |        |                        |    |            |    |                      | 30963 |
| Fund Group                         |        |                        | \$ | 2,685,729  | \$ | 2,685,729            | 30964 |
| State Special Revenue Fund Group   |        |                        |    |            |    |                      | 30965 |
| 4B20                               | 800631 | Real Estate Appraisal  | \$ | 35,000     | \$ | 35,000               | 30966 |
|                                    |        | Recovery               |    |            |    |                      |       |
| 4H90                               | 800608 | Cemeteries             | \$ | 266,688    | \$ | 266,688              | 30967 |
| 4X20                               | 800619 | Financial Institutions | \$ | 1,854,298  | \$ | 1,854,298            | 30968 |
| 5440                               | 800612 | Banks                  | \$ | 6,836,589  | \$ | 6,836,589            | 30969 |
| 5450                               | 800613 | Savings Institutions   | \$ | 2,259,536  | \$ | 2,259,536            | 30970 |
| 5460                               | 800610 | Fire Marshal           | \$ | 17,336,990 | \$ | 15,976,408           | 30971 |
| 5460                               | 800639 | Fire Department Grants | \$ | 2,198,802  | \$ | <del>2,198,802</del> | 30972 |
|                                    |        |                        |    |            |    | <u>5,198,802</u>     |       |
| 5470                               | 800603 | Real Estate            | \$ | 69,655     | \$ | 69,655               | 30973 |
|                                    |        | Education/Research     |    |            |    |                      |       |
| 5480                               | 800611 | Real Estate Recovery   | \$ | 50,000     | \$ | 50,000               | 30974 |
| 5490                               | 800614 | Real Estate            | \$ | 3,310,412  | \$ | 3,310,412            | 30975 |
| 5500                               | 800617 | Securities             | \$ | 4,238,814  | \$ | 4,238,814            | 30976 |
| 5520                               | 800604 | Credit Union           | \$ | 3,297,888  | \$ | 3,297,888            | 30977 |
| 5530                               | 800607 | Consumer Finance       | \$ | 3,481,692  | \$ | 3,481,692            | 30978 |

|                                                                   |                                               |           |                                              |           |                                              |       |
|-------------------------------------------------------------------|-----------------------------------------------|-----------|----------------------------------------------|-----------|----------------------------------------------|-------|
| 5560 800615                                                       | Industrial Compliance                         | \$        | 26,612,520                                   | \$        | 27,104,205                                   | 30979 |
| 5FW0 800616                                                       | Financial Literacy<br>Education               | \$        | 200,000                                      | \$        | 200,000                                      | 30980 |
| 5GK0 800609                                                       | Securities Investor<br>Education/Enforcement  | \$        | 432,150                                      | \$        | 432,150                                      | 30981 |
| 5HV0 800641                                                       | Cigarette Enforcement                         | \$        | 118,800                                      | \$        | 118,800                                      | 30982 |
| 5LP0 800646                                                       | Liquor Regulatory<br>Operating Expenses       | \$        | 7,988,921                                    | \$        | 7,844,537                                    | 30983 |
| <u>5PA0 800647</u>                                                | <u>Bustr Revolving Loan</u><br><u>Program</u> | <u>\$</u> | <u>0</u>                                     | <u>\$</u> | <u>3,000,000</u>                             | 30984 |
| 5X60 800623                                                       | Video Service                                 | \$        | 337,224                                      | \$        | 337,224                                      | 30985 |
| 6530 800629                                                       | UST Registration/Permit<br>Fee                | \$        | <del>3,831,888</del><br><u>2,331,888</u>     | \$        | <del>3,612,588</del><br><u>2,112,588</u>     | 30986 |
| 6A40 800630                                                       | Real Estate<br>Appraiser-Operating            | \$        | 672,973                                      | \$        | 672,973                                      | 30987 |
| TOTAL SSR State Special Revenue                                   |                                               |           |                                              |           |                                              | 30988 |
| Fund Group                                                        |                                               | \$        | <del>85,430,840</del><br><u>83,930,840</u>   | \$        | <del>84,198,259</del><br><u>88,698,259</u>   | 30989 |
| Liquor Control Fund Group                                         |                                               |           |                                              |           |                                              | 30990 |
| 5LC0 800644                                                       | Liquor JobsOhio<br>Extraordinary<br>Allowance | \$        | 557,974                                      | \$        | 372,661                                      | 30991 |
| 5LN0 800645                                                       | Liquor Operating<br>Services                  | \$        | 13,949,342                                   | \$        | 9,316,535                                    | 30992 |
| TOTAL LCF Liquor Control                                          |                                               |           |                                              |           |                                              | 30993 |
| Fund Group                                                        |                                               | \$        | 14,507,316                                   | \$        | 9,689,196                                    | 30994 |
| TOTAL ALL BUDGET FUND GROUPS                                      |                                               |           |                                              |           |                                              | 30995 |
|                                                                   |                                               | \$        | <del>186,873,408</del><br><u>185,373,408</u> | \$        | <del>180,822,707</del><br><u>185,322,707</u> |       |
| ADMINISTRATIVE ASSESSMENTS                                        |                                               |           |                                              |           |                                              | 30996 |
| Notwithstanding any other provision of law to the contrary,       |                                               |           |                                              |           |                                              | 30997 |
| the Division of Administration Fund (Fund 1630) is entitled to    |                                               |           |                                              |           |                                              | 30998 |
| receive assessments from all operating funds of the Department in |                                               |           |                                              |           |                                              | 30999 |

accordance with procedures prescribed by the Director of Commerce 31000  
and approved by the Director of Budget and Management. 31001

UNCLAIMED FUNDS PAYMENTS 31002

The foregoing appropriation item 800625, Unclaimed 31003  
Funds-Claims, shall be used to pay claims under section 169.08 of 31004  
the Revised Code. If it is determined that additional amounts are 31005  
necessary, the amounts are appropriated. 31006

FIRE DEPARTMENT GRANTS 31007

Of the foregoing appropriation item 800639, Fire Department 31008  
Grants, up to \$2,198,802 in ~~each~~ fiscal year 2014 and \$5,198,802 31009  
in fiscal year 2015 shall be used to make annual grants to the 31010  
following eligible recipients: volunteer fire departments, fire 31011  
departments that serve one or more small municipalities or small 31012  
townships, joint fire districts comprised of fire departments that 31013  
primarily serve small municipalities or small townships, local 31014  
units of government responsible for such fire departments, and 31015  
local units of government responsible for the provision of fire 31016  
protection services for small municipalities or small townships. 31017  
For the purposes of these grants, a private fire company, as that 31018  
phrase is defined in section 9.60 of the Revised Code, that is 31019  
providing fire protection services under a contract to a political 31020  
subdivision of the state, is an additional eligible recipient for 31021  
a training grant. 31022

Eligible recipients that consist of small municipalities or 31023  
small townships that all intend to contract with the same fire 31024  
department or private fire company for fire protection services 31025  
may jointly apply and be considered for a grant. If a joint 31026  
applicant is awarded a grant, the State Fire Marshal shall, if 31027  
feasible, proportionately award the grant and any equipment 31028  
purchased with grant funds to each of the joint applicants based 31029  
upon each applicant's contribution to and demonstrated need for 31030



fire protection services. 31031

If the grant awarded to joint applicants is an equipment 31032  
grant and the equipment to be purchased cannot be readily 31033  
distributed or possessed by multiple recipients, each of the joint 31034  
applicants shall be awarded by the State Fire Marshal an ownership 31035  
interest in the equipment so purchased in proportion to each 31036  
applicant's contribution to and demonstrated need for fire 31037  
protection services. The joint applicants shall then mutually 31038  
agree on how the equipment is to be maintained, operated, stored, 31039  
or disposed of. If, for any reason, the joint applicants cannot 31040  
agree as to how jointly owned equipment is to be maintained, 31041  
operated, stored, or disposed of or any of the joint applicants no 31042  
longer maintain a contract with the same fire protection service 31043  
provider as the other applicants, then the joint applicants shall, 31044  
with the assistance of the State Fire Marshal, mutually agree as 31045  
to how the jointly owned equipment is to be maintained, operated, 31046  
stored, disposed of, or owned. If the joint applicants cannot 31047  
agree how the grant equipment is to be maintained, operated, 31048  
stored, disposed of, or owned, the State Fire Marshal may, in its 31049  
discretion, require all of the equipment acquired by the joint 31050  
applicants with grant funds to be returned to the State Fire 31051  
Marshal. The State Fire Marshal may then award the returned 31052  
equipment to any eligible recipients. For this paragraph only, an 31053  
"equipment grant" also includes a MARCS Grant. 31054

Except as otherwise provided in this section, the grants 31055  
shall be used by recipients to purchase firefighting or rescue 31056  
equipment or gear or similar items, to provide full or partial 31057  
reimbursement for the documented costs of firefighter training, 31058  
or, at the discretion of the State Fire Marshal, to cover fire 31059  
department costs for providing fire protection services in that 31060  
grant recipient's jurisdiction. 31061

Of the foregoing appropriation item 800639, Fire Department 31062

Grants, up to \$500,000 per fiscal year may be used to pay for the State Fire Marshal's costs of providing firefighter I certification classes or other firefighter classes approved by the Department of Public Safety in accordance with section 4765.55 of the Revised Code at no cost to selected students attending the Ohio Fire Academy or other class providers approved by the State Fire Marshal. The State Fire Marshal may establish the qualifications and selection processes for students to attend such classes by written policy, and such students shall be considered eligible recipients of fire department grants for the purposes of this portion of the grant program.

For purposes of this section, a MARCS Grant is a grant for systems, equipment, or services that are a part of, integrated into, or otherwise interoperable with the Multi-Agency Radio Communication System (MARCS) operated by the state.

Of the foregoing appropriation item 800639, Fire Department Grants, up to \$3,000,000 in fiscal year 2015 may be used for MARCS Grants. MARCS Grants may be used for the payment of user access fees by the eligible recipient to access MARCS.

MARCS Grant awards may be up to \$50,000 in fiscal year 2015 per eligible recipient. Each eligible recipient may only apply, as a separate entity or as a part of a joint application, for one MARCS Grant per fiscal year. Eligible recipients that are or were awarded fire department grants that are not MARCS Grants may also apply for and receive MARCS Grants in accordance with criteria for the awarding of grant funds established by the State Fire Marshal.

Grant awards for firefighting or rescue equipment or gear or for fire department costs of providing fire protection services shall be up to \$15,000 per fiscal year, or up to \$25,000 per fiscal year if an eligible entity serves a jurisdiction in which the Governor declared a natural disaster during the preceding or current fiscal year in which the grant was awarded. In addition to

any grant funds awarded for rescue equipment or gear, or for fire 31095  
department costs associated with the provision of fire protection 31096  
services, an eligible entity may receive a grant for up to \$15,000 31097  
per fiscal year for full or partial reimbursement of the 31098  
documented costs of firefighter training. For each fiscal year, 31099  
the State Fire Marshal shall determine the total amounts to be 31100  
allocated for each eligible purpose. 31101

The grant program shall be administered by the State Fire 31102  
Marshal in accordance with rules the State Fire Marshal adopts as 31103  
part of the state fire code adopted pursuant to section 3737.82 of 31104  
the Revised Code that are necessary for the administration and 31105  
operation of the grant program. The rules may further define the 31106  
entities eligible to receive grants and establish criteria for the 31107  
awarding and expenditure of grant funds, including methods the 31108  
State Fire Marshal may use to verify the proper use of grant funds 31109  
or to obtain reimbursement for or the return of equipment for 31110  
improperly used grant funds. To the extent consistent with this 31111  
section and until such time as the rules are updated, the existing 31112  
rules in the state fire code adopted pursuant to section 3737.82 31113  
of the Revised Code for fire department grants under this section 31114  
apply to MARCS Grants. Any amounts in appropriation item 800639, 31115  
Fire Department Grants, in excess of the amount allocated for 31116  
these grants may be used for the administration of the grant 31117  
program. 31118

CASH TRANSFERS TO DIVISION OF REAL ESTATE OPERATING FUND 31119

The Director of Budget and Management, upon the request of 31120  
the Director of Commerce, may transfer up to \$500,000 in cash from 31121  
the Real Estate Recovery Fund (Fund 5480) and up to \$250,000 in 31122  
cash from the Real Estate Appraiser Recovery Fund (Fund 4B20) to 31123  
the Division of Real Estate Operating Fund (Fund 5490) during the 31124  
biennium ending June 30, 2015. 31125

|                                                                                    |                       |                                  |                                                          |       |
|------------------------------------------------------------------------------------|-----------------------|----------------------------------|----------------------------------------------------------|-------|
| <b>Sec. 245.10. CEB CONTROLLING BOARD</b>                                          |                       |                                  |                                                          | 31126 |
| General Revenue Fund                                                               |                       |                                  |                                                          | 31127 |
| GRF                                                                                | <u>911420</u>         | <u>Children Services</u>         | \$ 0 \$ <u>6,800,000</u>                                 | 31128 |
| GRF                                                                                | <u>911421</u>         | <u>Adult Protective Services</u> | \$ 0 \$ <u>10,000,000</u>                                | 31129 |
| GRF                                                                                | 911441                | Ballot Advertising Costs         | \$ 475,000 \$ 475,000                                    | 31130 |
| TOTAL GRF                                                                          | General Revenue Fund  |                                  | \$ 475,000 \$ <del>475,000</del> <u>17,275,000</u>       | 31131 |
| General Services Fund Group                                                        |                       |                                  |                                                          | 31132 |
| 5KM0                                                                               | 911614                | CB Emergency Purposes            | \$ 10,000,000 \$ 10,000,000                              | 31133 |
| TOTAL GSF                                                                          | General Services Fund |                                  | \$ 10,000,000 \$ 10,000,000                              | 31134 |
| Group                                                                              |                       |                                  |                                                          |       |
| TOTAL ALL BUDGET FUND GROUPS                                                       |                       |                                  | \$ 10,475,000 \$ <del>10,475,000</del> <u>27,275,000</u> | 31135 |
| FEDERAL SHARE                                                                      |                       |                                  |                                                          | 31136 |
| In transferring appropriations to or from appropriation items                      |                       |                                  |                                                          | 31137 |
| that have federal shares identified in <del>this act</del> <u>Am. Sub. H.B. 59</u> |                       |                                  |                                                          | 31138 |
| <u>of the 130th General Assembly</u> , the Controlling Board shall add or          |                       |                                  |                                                          | 31139 |
| subtract corresponding amounts of federal matching funds at the                    |                       |                                  |                                                          | 31140 |
| percentages indicated by the state and federal division of the                     |                       |                                  |                                                          | 31141 |
| appropriations in <del>this act</del> <u>Am. Sub. H.B. 59 of the 130th General</u> |                       |                                  |                                                          | 31142 |
| <u>Assembly</u> . Such changes are hereby appropriated.                            |                       |                                  |                                                          | 31143 |
| DISASTER SERVICES                                                                  |                       |                                  |                                                          | 31144 |
| Pursuant to requests submitted by the Department of Public                         |                       |                                  |                                                          | 31145 |
| Safety, the Controlling Board may approve transfers from the                       |                       |                                  |                                                          | 31146 |
| Disaster Services Fund (5E20) to a fund and appropriation item                     |                       |                                  |                                                          | 31147 |
| used by the Department of Public Safety to provide for assistance                  |                       |                                  |                                                          | 31148 |
| to political subdivisions made necessary by natural disasters or                   |                       |                                  |                                                          | 31149 |
| emergencies. These transfers may be requested and approved prior                   |                       |                                  |                                                          | 31150 |

to the occurrence of any specific natural disasters or emergencies 31151  
in order to facilitate the provision of timely assistance. The 31152  
Emergency Management Agency of the Department of Public Safety 31153  
shall use the funding to fund the State Disaster Relief Program 31154  
for disasters that have a written Governor's authorization, and 31155  
the State Individual Assistance Program for disasters that have a 31156  
written Governor's authorization and is declared by the federal 31157  
Small Business Administration. The Ohio Emergency Management 31158  
Agency shall publish and make available application packets 31159  
outlining procedures for the State Disaster Relief Program and the 31160  
State Individual Assistance Program. 31161

Fund 5E20 shall be used by the Controlling Board, pursuant to 31162  
requests submitted by state agencies, to transfer cash and 31163  
appropriations to any fund and appropriation item for the payment 31164  
of state agency disaster relief program expenses for disasters 31165  
that have a written Governor's authorization, if the Director of 31166  
Budget and Management determines that sufficient funds exist. 31167

Upon the request of the Department of Public Safety, the 31168  
Controlling Board may release up to \$2,615,000 for Blanchard River 31169  
flood mitigation projects. 31170

BALLOT ADVERTISING COSTS 31171

Pursuant to section 3501.17 of the Revised Code, and upon 31172  
requests submitted by the Secretary of State, the Controlling 31173  
Board shall approve transfers from the foregoing appropriation 31174  
item 911441, Ballot Advertising Costs, to appropriation item 31175  
050621, Statewide Ballot Advertising, in order to pay for the cost 31176  
of public notices associated with statewide ballot initiatives. 31177

CAPITAL APPROPRIATION INCREASE FOR FEDERAL STIMULUS 31178  
ELIGIBILITY 31179

A state agency director shall request that the Controlling 31180  
Board increase the amount of the agency's capital appropriations 31181

if the director determines such an increase is necessary for the 31182  
agency to receive and use funds under the federal American 31183  
Recovery and Reinvestment Act of 2009. The Controlling Board may 31184  
increase the capital appropriations pursuant to the request up to 31185  
the exact amount necessary under the federal act if the Board 31186  
determines it is necessary for the agency to receive and use those 31187  
federal funds. 31188

CHILDREN SERVICES 31189

Pursuant to Section 751.140 of this act, the Director of Job 31190  
and Family Services may seek Controlling Board approval for the 31191  
release and transfer of appropriations from the foregoing 31192  
appropriation item 911420, Children Services. Upon approval of the 31193  
Controlling Board, the Director of Budget and Management shall 31194  
transfer appropriations equal to the amount requested to an 31195  
appropriation item in the Department of Job and Family Services, 31196  
as determined by the Director of Budget and Management. The 31197  
transferred appropriations shall be used to implement the 31198  
recommendations of the Children Services Funding Workgroup. 31199

ADULT PROTECTIVE SERVICES 31200

Pursuant to Section 751.130 of this act, the Director of Job 31201  
and Family Services may seek Controlling Board approval for the 31202  
release and transfer of appropriations from the foregoing 31203  
appropriation item 911421, Adult Protective Services. Upon 31204  
approval of the Controlling Board, the Director of Budget and 31205  
Management shall transfer appropriations equal to the amount 31206  
requested to an appropriation item in the Department of Job and 31207  
Family Services, as determined by the Director of Budget and 31208  
Management. The transferred appropriations shall be used to 31209  
implement the recommendations of the Adult Protective Services 31210  
Funding Workgroup. 31211

**Sec. 257.10. DEV DEVELOPMENT SERVICES AGENCY** 31212

|     |        |                       |    |                       |    |                       |       |
|-----|--------|-----------------------|----|-----------------------|----|-----------------------|-------|
|     |        | General Revenue Fund  |    |                       |    | 31213                 |       |
| GRF | 195402 | Coal Research         | \$ | 261,205               | \$ | 261,405               | 31214 |
|     |        | Operating             |    |                       |    |                       |       |
| GRF | 195405 | Minority Business     | \$ | 1,693,691             | \$ | 1,693,691             | 31215 |
|     |        | Development           |    |                       |    |                       |       |
| GRF | 195407 | Travel and Tourism    | \$ | 1,300,000             | \$ | 0                     | 31216 |
| GRF | 195415 | Business Development  | \$ | 2,413,387             | \$ | 2,413,387             | 31217 |
|     |        | Services              |    |                       |    |                       |       |
| GRF | 195426 | Redevelopment         | \$ | 1,968,365             | \$ | 468,365               | 31218 |
|     |        | Assistance            |    |                       |    |                       |       |
| GRF | 195497 | CDBG Operating Match  | \$ | 1,015,000             | \$ | 1,015,000             | 31219 |
| GRF | 195501 | Appalachian Local     | \$ | 440,000               | \$ | 440,000               | 31220 |
|     |        | Development Districts |    |                       |    |                       |       |
| GRF | 195532 | Technology Programs   | \$ | 13,547,341            | \$ | 13,547,341            | 31221 |
|     |        | and Grants            |    |                       |    |                       |       |
| GRF | 195533 | Business Assistance   | \$ | 4,205,774             | \$ | 4,205,774             | 31222 |
| GRF | 195535 | Appalachia Assistance | \$ | 3,846,482             | \$ | 3,846,482             | 31223 |
| GRF | 195537 | Ohio-Israel           | \$ | 150,000               | \$ | 150,000               | 31224 |
|     |        | Agricultural          |    |                       |    |                       |       |
|     |        | Initiative            |    |                       |    |                       |       |
| GRF | 195901 | Coal Research &       | \$ | 2,858,900             | \$ | 4,327,200             | 31225 |
|     |        | Development General   |    |                       |    |                       |       |
|     |        | Obligation Debt       |    |                       |    |                       |       |
|     |        | Service               |    |                       |    |                       |       |
| GRF | 195905 | Third Frontier        | \$ | <del>66,511,600</del> | \$ | <del>83,783,000</del> | 31226 |
|     |        | Research &            |    | <u>61,911,600</u>     |    | <u>78,483,000</u>     |       |
|     |        | Development General   |    |                       |    |                       |       |
|     |        | Obligation Debt       |    |                       |    |                       |       |
|     |        | Service               |    |                       |    |                       |       |
| GRF | 195912 | Job Ready Site        | \$ | <del>15,498,400</del> | \$ | 19,124,500            | 31227 |
|     |        | Development General   |    | <u>13,198,400</u>     |    |                       |       |
|     |        | Obligation Debt       |    |                       |    |                       |       |
|     |        | Service               |    |                       |    |                       |       |

|                                    |    |                        |    |                        |       |
|------------------------------------|----|------------------------|----|------------------------|-------|
| TOTAL GRF General Revenue Fund     | \$ | <del>115,710,145</del> | \$ | <del>135,276,145</del> | 31228 |
|                                    |    | <u>108,810,145</u>     |    | <u>129,976,145</u>     |       |
| General Services Fund Group        |    |                        |    |                        | 31229 |
| 1350 195684 Development Services   | \$ | 10,800,000             | \$ | 10,800,000             | 31230 |
| Operations                         |    |                        |    |                        |       |
| 4W10 195646 Minority Business      | \$ | 2,500,000              | \$ | 2,500,000              | 31231 |
| Enterprise Loan                    |    |                        |    |                        |       |
| 5KN0 195640 Local Government       | \$ | 20,730,986             | \$ | 21,900,000             | 31232 |
| Innovation                         |    |                        |    |                        |       |
| 5MB0 195623 Business Incentive     | \$ | 15,000,000             | \$ | 0                      | 31233 |
| Grants                             |    |                        |    |                        |       |
| 5MK0 195600 Vacant Facilities      | \$ | 1,000,000              | \$ | 1,000,000              | 31234 |
| Grant                              |    |                        |    |                        |       |
| 5W50 195690 Travel and Tourism     | \$ | 150,000                | \$ | 150,000                | 31235 |
| Cooperative Projects               |    |                        |    |                        |       |
| 6850 195636 Development Services   | \$ | 700,000                | \$ | 700,000                | 31236 |
| Reimbursable                       |    |                        |    |                        |       |
| Expenditures                       |    |                        |    |                        |       |
| TOTAL GSF General Services Fund    |    |                        |    |                        | 31237 |
| Group                              | \$ | 50,880,986             | \$ | 37,050,000             | 31238 |
| Federal Special Revenue Fund Group |    |                        |    |                        | 31239 |
| 3080 195602 Appalachian Regional   | \$ | 475,000                | \$ | 475,000                | 31240 |
| Commission                         |    |                        |    |                        |       |
| 3080 195603 Housing Assistance     | \$ | 10,000,000             | \$ | 10,000,000             | 31241 |
| Programs                           |    |                        |    |                        |       |
| 3080 195609 Small Business         | \$ | 5,271,381              | \$ | 5,271,381              | 31242 |
| Administration Grants              |    |                        |    |                        |       |
| 3080 195618 Energy Grants          | \$ | 9,307,779              | \$ | 4,109,193              | 31243 |
| 3080 195670 Home Weatherization    | \$ | 17,000,000             | \$ | 17,000,000             | 31244 |
| Program                            |    |                        |    |                        |       |
| 3080 195671 Brownfield             | \$ | 5,000,000              | \$ | 5,000,000              | 31245 |
| Redevelopment                      |    |                        |    |                        |       |



|                                  |        |                                                                           |    |             |    |             |       |
|----------------------------------|--------|---------------------------------------------------------------------------|----|-------------|----|-------------|-------|
| 3080                             | 195672 | Manufacturing<br>Extension Partnership                                    | \$ | 5,359,305   | \$ | 5,359,305   | 31246 |
| 3080                             | 195675 | Procurement Technical<br>Assistance                                       | \$ | 600,000     | \$ | 600,000     | 31247 |
| 3080                             | 195681 | SBDC Disability<br>Consulting                                             | \$ | 1,300,000   | \$ | 1,300,000   | 31248 |
| 3350                             | 195610 | Energy Programs                                                           | \$ | 200,000     | \$ | 200,000     | 31249 |
| 3AE0                             | 195643 | Workforce Development<br>Initiatives                                      | \$ | 1,800,000   | \$ | 1,800,000   | 31250 |
| 3DB0                             | 195642 | Federal Stimulus -<br>Energy Efficiency &<br>Conservation Block<br>Grants | \$ | 38,152      | \$ | 0           | 31251 |
| 3FJ0                             | 195626 | Small Business<br>Capital Access and<br>Collateral<br>Enhancement Program | \$ | 32,046,846  | \$ | 5,655,326   | 31252 |
| 3FJ0                             | 195661 | Technology Targeted<br>Investment Program                                 | \$ | 12,750,410  | \$ | 2,250,072   | 31253 |
| 3K80                             | 195613 | Community Development<br>Block Grant                                      | \$ | 65,000,000  | \$ | 65,000,000  | 31254 |
| 3K90                             | 195611 | Home Energy<br>Assistance Block<br>Grant                                  | \$ | 172,000,000 | \$ | 172,000,000 | 31255 |
| 3K90                             | 195614 | HEAP Weatherization                                                       | \$ | 22,000,000  | \$ | 22,000,000  | 31256 |
| 3L00                             | 195612 | Community Services<br>Block Grant                                         | \$ | 27,240,217  | \$ | 27,240,217  | 31257 |
| 3V10                             | 195601 | HOME Program                                                              | \$ | 30,000,000  | \$ | 30,000,000  | 31258 |
| TOTAL FED                        |        | Federal Special Revenue                                                   |    |             |    |             | 31259 |
| Fund Group                       |        |                                                                           | \$ | 417,389,090 | \$ | 375,260,494 | 31260 |
| State Special Revenue Fund Group |        |                                                                           |    |             |    |             | 31261 |
| 4500                             | 195624 | Minority Business<br>Bonding Program                                      | \$ | 74,868      | \$ | 74,905      | 31262 |

|      |        |                                                          |    |             |    |                   |
|------|--------|----------------------------------------------------------|----|-------------|----|-------------------|
|      |        | Administration                                           |    |             |    |                   |
| 4510 | 195649 | Business Assistance                                      | \$ | 6,300,800   | \$ | 6,700,800 31263   |
|      |        | Programs                                                 |    |             |    |                   |
| 4F20 | 195639 | State Special Projects                                   | \$ | 102,145     | \$ | 102,104 31264     |
| 4F20 | 195699 | Utility Community Assistance                             | \$ | 500,000     | \$ | 500,000 31265     |
| 5CG0 | 195679 | Alternative Fuel Transportation                          | \$ | 750,000     | \$ | 750,000 31266     |
| 5HR0 | 195526 | Incumbent Workforce Training Vouchers                    | \$ | 30,000,000  | \$ | 30,000,000 31267  |
| 5HR0 | 195622 | Defense Development Assistance                           | \$ | 5,000,000   | \$ | 5,000,000 31268   |
| 5JR0 | 195635 | Redevelopment Program Support                            | \$ | 100,000     | \$ | 100,000 31269     |
| 5KP0 | 195645 | Historic Rehab Operating                                 | \$ | 650,000     | \$ | 650,000 31270     |
| 5LU0 | 195673 | Racetrack Facility Community Economic Redevelopment Fund | \$ | 12,000,000  | \$ | 0 31271           |
| 5M40 | 195659 | Low Income Energy Assistance (USF)                       | \$ | 350,000,000 | \$ | 350,000,000 31272 |
| 5M50 | 195660 | Advanced Energy Loan Programs                            | \$ | 8,000,000   | \$ | 8,000,000 31273   |
| 5MH0 | 195644 | SiteOhio Administration                                  | \$ | 100,000     | \$ | 100,000 31274     |
| 5MJ0 | 195683 | TourismOhio Administration                               | \$ | 8,000,000   | \$ | 8,000,000 31275   |
| 5W60 | 195691 | International Trade Cooperative Projects                 | \$ | 18,000      | \$ | 18,000 31276      |
| 6170 | 195654 | Volume Cap Administration                                | \$ | 32,562      | \$ | 32,562 31277      |
| 6460 | 195638 | Low- and Moderate- Income Housing Trust                  | \$ | 53,000,000  | \$ | 53,000,000 31278  |

| Fund                                             |                            |    |             |    |                   |
|--------------------------------------------------|----------------------------|----|-------------|----|-------------------|
| TOTAL SSR State Special Revenue                  |                            |    |             |    | 31279             |
| Fund Group                                       |                            | \$ | 474,628,375 | \$ | 463,028,371 31280 |
| Facilities Establishment Fund Group              |                            |    |             |    | 31281             |
| 5S90                                             | 195628 Capital Access Loan | \$ | 3,000,000   | \$ | 3,000,000 31282   |
| Program                                          |                            |    |             |    |                   |
| 7009                                             | 195664 Innovation Ohio     | \$ | 15,000,000  | \$ | 15,000,000 31283  |
| 7010                                             | 195665 Research and        | \$ | 22,000,000  | \$ | 22,000,000 31284  |
| Development                                      |                            |    |             |    |                   |
| 7037                                             | 195615 Facilities          | \$ | 50,000,000  | \$ | 50,000,000 31285  |
| Establishment                                    |                            |    |             |    |                   |
| TOTAL 037 Facilities                             |                            |    |             |    | 31286             |
| Establishment Fund Group                         |                            | \$ | 90,000,000  | \$ | 90,000,000 31287  |
| Clean Ohio Revitalization Fund                   |                            |    |             |    | 31288             |
| 7003                                             | 195663 Clean Ohio Program  | \$ | 950,000     | \$ | 950,000 31289     |
| TOTAL 7003 Clean Ohio                            |                            | \$ | 950,000     | \$ | 950,000 31290     |
| Revitalization Fund                              |                            |    |             |    |                   |
| Third Frontier Research & Development Fund Group |                            |    |             |    | 31291             |
| 7011                                             | 195686 Third Frontier      | \$ | 1,149,750   | \$ | 1,149,750 31292   |
| Operating                                        |                            |    |             |    |                   |
| 7011                                             | 195687 Third Frontier      | \$ | 90,850,250  | \$ | 90,850,250 31293  |
| Research &                                       |                            |    |             |    |                   |
| Development Projects                             |                            |    |             |    |                   |
| 7014                                             | 195620 Third Frontier      | \$ | 1,700,000   | \$ | 1,700,000 31294   |
| Operating - Tax                                  |                            |    |             |    |                   |
| 7014                                             | 195692 Research &          | \$ | 38,300,000  | \$ | 38,300,000 31295  |
| Development Taxable                              |                            |    |             |    |                   |
| Bond Projects                                    |                            |    |             |    |                   |
| TOTAL 011 Third Frontier Research &              |                            | \$ | 132,000,000 | \$ | 132,000,000 31296 |
| Development Fund Group                           |                            |    |             |    |                   |
| Job Ready Site Development Fund Group            |                            |    |             |    | 31297             |
| 7012                                             | 195688 Job Ready Site      | \$ | 800,000     | \$ | 800,000 31298     |

|                                                |    |                          |                                   |
|------------------------------------------------|----|--------------------------|-----------------------------------|
| Development                                    |    |                          |                                   |
| TOTAL 012 Job Ready Site                       | \$ | 800,000                  | \$ 800,000 31299                  |
| Development Fund Group                         |    |                          |                                   |
| Tobacco Master Settlement Agreement Fund Group |    |                          | 31300                             |
| M087 195435 Biomedical Research                | \$ | 1,896,595                | \$ 1,906,025 31301                |
| and Technology                                 |    |                          |                                   |
| Transfer                                       |    |                          |                                   |
| TOTAL TSF Tobacco Master Settlement            | \$ | 1,896,595                | \$ 1,906,025 31302                |
| Agreement Fund Group                           |    |                          |                                   |
| TOTAL ALL BUDGET FUND GROUPS                   | \$ | <del>1,284,255,191</del> | \$ <del>1,236,271,035</del> 31303 |
|                                                |    | <u>1,277,355,191</u>     | <u>1,230,971,035</u>              |

**Sec. 257.20. COAL RESEARCH OPERATING** 31305

The foregoing appropriation item 195402, Coal Research 31306  
Operating, shall be used for the operating expenses of the 31307  
Community Services Division in support of the Ohio Coal 31308  
Development Office. 31309

**TRAVEL AND TOURISM** 31310

The foregoing appropriation item 195407, Travel and Tourism, 31311  
shall be used for marketing the state of Ohio as a tourism 31312  
destination and to support administrative expenses and contracts 31313  
necessary to market Ohio. 31314

**BUSINESS DEVELOPMENT SERVICES** 31315

The foregoing appropriation item 195415, Business Development 31316  
Services, shall be used for the operating expenses of the Business 31317  
Services Division and the regional economic development offices 31318  
and for grants for cooperative economic development ventures. 31319

**REDEVELOPMENT ASSISTANCE** 31320

The foregoing appropriation item 195426, Redevelopment 31321  
Assistance, shall be used to fund the costs of administering the 31322  
Clean Ohio Revitalization program and other urban revitalization 31323

programs that may be implemented by the Development Services 31324  
Agency. Of the foregoing appropriation item 195426, Redevelopment 31325  
Assistance, \$1,500,000 in fiscal year 2014 shall be used for the 31326  
Famicos Foundation. 31327

CDBG OPERATING MATCH 31328

The foregoing appropriation item 195497, CDBG Operating 31329  
Match, shall be used as matching funds for grants from the United 31330  
States Department of Housing and Urban Development pursuant to the 31331  
Housing and Community Development Act of 1974 and regulations and 31332  
policy guidelines for the programs pursuant thereto. 31333

APPALACHIAN LOCAL DEVELOPMENT DISTRICTS 31334

The foregoing appropriation item 195501, Appalachian Local 31335  
Development Districts, shall be used to support four local 31336  
development districts. Of the foregoing appropriation amount in 31337  
each fiscal year, up to \$135,000 shall be allocated to the Ohio 31338  
Valley Regional Development Commission, up to \$135,000 shall be 31339  
allocated to the Ohio Mid-Eastern Government Association, up to 31340  
\$135,000 shall be allocated to the Buckeye Hills-Hocking Valley 31341  
Regional Development District, and up to \$35,000 shall be 31342  
allocated to the Eastgate Regional Council of Governments. Local 31343  
development districts receiving funding under this section shall 31344  
use the funds for the implementation and administration of 31345  
programs and duties under section 107.21 of the Revised Code. 31346

TECHNOLOGY PROGRAMS AND GRANTS 31347

Of the foregoing appropriation item 195532, Technology 31348  
Programs and Grants, up to \$547,341 in each fiscal year shall be 31349  
used for operating expenses incurred in administering the Ohio 31350  
Third Frontier pursuant to sections 184.10 to 184.20 of the 31351  
Revised Code; up to \$13,000,000 in each fiscal year shall be used 31352  
for the Thomas Edison Program pursuant to sections 122.28 to 31353  
122.38 of the Revised Code, of which not more than ten per cent 31354

shall be used for operating expenses incurred in administering the program. 31355  
31356

BUSINESS ASSISTANCE 31357

The foregoing appropriation item 195533, Business Assistance, 31358  
may be used to provide a range of business assistance, including 31359  
grants to local organizations to support economic development 31360  
activities that promote minority business development, small 31361  
business development, entrepreneurship, and exports of Ohio's 31362  
goods and services. This appropriation item shall also be used as 31363  
matching funds for grants from the United States Small Business 31364  
Administration and other federal agencies, pursuant to Public Law 31365  
No. 96-302 as amended by Public Law No. 98-395, and regulations 31366  
and policy guidelines for the programs pursuant thereto. 31367

APPALACHIA ASSISTANCE 31368

The foregoing appropriation item 195535, Appalachia 31369  
Assistance, may be used for the administrative costs of planning 31370  
and liaison activities for the Governor's Office of Appalachia, to 31371  
provide financial assistance to projects in Ohio's Appalachian 31372  
counties, and to pay dues for the Appalachian Regional Commission. 31373  
These funds may be used to match federal funds from the 31374  
Appalachian Regional Commission. 31375

OHIO-ISRAEL AGRICULTURE INITIATIVE 31376

The foregoing appropriation item 195537, Ohio-Israel 31377  
Agricultural Initiative, shall be used for the Ohio-Israel 31378  
Agricultural Initiative. 31379

COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE 31380

The foregoing appropriation line item 195901, Coal Research 31381  
and Development General Obligation Debt Service, shall be used to 31382  
pay all debt service and related financing costs during the period 31383  
July 1, 2013, through June 30, 2015 for obligations issued under 31384

|                                                                                                                                                                                                                                                                                                                                                                 |                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| sections 151.01 and 151.07 of the Revised Code.                                                                                                                                                                                                                                                                                                                 | 31385                                              |
| THIRD FRONTIER RESEARCH & DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE                                                                                                                                                                                                                                                                                           | 31386<br>31387                                     |
| The foregoing appropriation item 195905, Third Frontier Research & Development General Obligation Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2013, through June 30, 2015, on obligations issued for research and development purposes under sections 151.01 and 151.10 of the Revised Code. | 31388<br>31389<br>31390<br>31391<br>31392<br>31393 |
| JOB READY SITE DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE                                                                                                                                                                                                                                                                                                      | 31394                                              |
| The foregoing appropriation item 195912, Job Ready Site Development General Obligation Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2013, through June 30, 2015, on obligations issued for job ready site development purposes under sections 151.01 and 151.11 of the Revised Code.          | 31395<br>31396<br>31397<br>31398<br>31399<br>31400 |
| <b>Sec. 259.10. DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES</b>                                                                                                                                                                                                                                                                                                | 31401                                              |
| General Revenue Fund                                                                                                                                                                                                                                                                                                                                            | 31402                                              |
| GRF 320412 Protective Services \$ 1,918,196 \$ 1,918,196                                                                                                                                                                                                                                                                                                        | 31403                                              |
| GRF 320415 Lease-Rental Payments \$ <del>15,843,300</del> \$ 16,076,700                                                                                                                                                                                                                                                                                         | 31404                                              |
|                                                                                                                                                                                                                                                                                                                                                                 | <u>14,743,300</u>                                  |
| GRF 322420 Screening and Early Intervention \$ 300,000 \$ 300,000                                                                                                                                                                                                                                                                                               | 31405                                              |
| GRF 322451 Family Support Services \$ 5,932,758 \$ 5,932,758                                                                                                                                                                                                                                                                                                    | 31406                                              |
| GRF 322501 County Boards Subsidies \$ 44,449,280 \$ 44,449,280                                                                                                                                                                                                                                                                                                  | 31407                                              |
| GRF 322503 Tax Equity \$ 14,000,000 \$ 14,000,000                                                                                                                                                                                                                                                                                                               | 31408                                              |
| GRF 322507 County Board Case Management \$ 2,500,000 \$ 2,500,000                                                                                                                                                                                                                                                                                               | 31409                                              |

|                                    |                                       |                                            |    |                        |    |               |       |
|------------------------------------|---------------------------------------|--------------------------------------------|----|------------------------|----|---------------|-------|
| GRF                                | 322508                                | Employment First<br>Pilot Program          | \$ | 3,000,000              | \$ | 3,000,000     | 31410 |
| GRF                                | 653321                                | Medicaid Program<br>Support - State        | \$ | 6,186,694              | \$ | 6,186,694     | 31411 |
| GRF                                | 653407                                | Medicaid Services                          | \$ | 430,056,111            | \$ | 437,574,237   | 31412 |
| TOTAL GRF                          | General Revenue Fund                  |                                            | \$ | <del>524,186,339</del> | \$ | 531,937,865   | 31413 |
|                                    |                                       |                                            |    | <u>523,086,339</u>     |    |               |       |
| General Services Fund Group        |                                       |                                            |    |                        |    |               | 31414 |
| 1520                               | 653609                                | DC and Residential<br>Operating Services   | \$ | 3,414,317              | \$ | 3,414,317     | 31415 |
| TOTAL GSF                          | General Services Fund<br>Group        |                                            | \$ | 3,414,317              | \$ | 3,414,317     | 31416 |
| Federal Special Revenue Fund Group |                                       |                                            |    |                        |    |               | 31417 |
| 3A50                               | 320613                                | DD Council                                 | \$ | 3,297,656              | \$ | 3,324,187     | 31418 |
| 3250                               | 322612                                | Community Social<br>Service Programs       | \$ | 10,604,896             | \$ | 10,604,896    | 31419 |
| 3A40                               | 653604                                | DC & ICF/IID Program<br>Support            | \$ | 8,013,611              | \$ | 8,013,611     | 31420 |
| 3A40                               | 653605                                | DC and Residential<br>Services and Support | \$ | 159,548,565            |    | 159,548,565   | 31421 |
| 3A40                               | 653653                                | ICF/IID                                    | \$ | 354,712,840            | \$ | 353,895,717   | 31422 |
| 3G60                               | 653639                                | Medicaid Waiver<br>Services                | \$ | 932,073,249            | \$ | 1,025,921,683 | 31423 |
| 3G60                               | 653640                                | Medicaid Waiver<br>Program Support         | \$ | 36,934,303             | \$ | 36,170,872    | 31424 |
| 3M70                               | 653650                                | CAFS Medicaid                              | \$ | 3,000,000              | \$ | 3,000,000     | 31425 |
| TOTAL FED                          | Federal Special Revenue<br>Fund Group |                                            | \$ | 1,508,185,120          | \$ | 1,600,479,531 | 31426 |
| State Special Revenue Fund Group   |                                       |                                            |    |                        |    |               | 31427 |
| 5GE0                               | 320606                                | Operating and<br>Services                  | \$ | 7,407,297              | \$ | 7,407,297     | 31428 |
| 2210                               | 322620                                | Supplement Service                         | \$ | 150,000                | \$ | 150,000       | 31429 |



|                              |        |                       |    |                          |    |                     |
|------------------------------|--------|-----------------------|----|--------------------------|----|---------------------|
|                              |        | Trust                 |    |                          |    |                     |
| 5DJ0                         | 322625 | Targeted Case         | \$ | 33,750,000               | \$ | 37,260,000 31430    |
|                              |        | Management Match      |    |                          |    |                     |
| 5DK0                         | 322629 | Capital Replacement   | \$ | 750,000                  | \$ | 750,000 31431       |
|                              |        | Facilities            |    |                          |    |                     |
| 5H00                         | 322619 | Medicaid Repayment    | \$ | 160,000                  | \$ | 160,000 31432       |
| 5JX0                         | 322651 | Interagency Workgroup | \$ | 45,000                   |    | 45,000 31433        |
|                              |        | - Autism              |    |                          |    |                     |
| 4890                         | 653632 | DC Direct Care        | \$ | 16,497,169               | \$ | 16,497,169 31434    |
|                              |        | Services              |    |                          |    |                     |
| 5CT0                         | 653607 | Intensive Behavioral  | \$ | 1,000,000                | \$ | 1,000,000 31435     |
|                              |        | Needs                 |    |                          |    |                     |
| 5DJ0                         | 653626 | Targeted Case         | \$ | 91,740,000               | \$ | 100,910,000 31436   |
|                              |        | Management Services   |    |                          |    |                     |
| 5EV0                         | 653627 | Medicaid Program      | \$ | 685,000                  | \$ | 685,000 31437       |
|                              |        | Support               |    |                          |    |                     |
| 5GE0                         | 653606 | ICF/IID and Waiver    | \$ | 40,353,139               | \$ | 39,106,638 31438    |
|                              |        | Match                 |    |                          |    |                     |
| 5S20                         | 653622 | Medicaid Admin and    | \$ | 17,341,201               | \$ | 19,032,154 31439    |
|                              |        | Oversight             |    |                          |    |                     |
| 5Z10                         | 653624 | County Board Waiver   | \$ | 284,740,000              | \$ | 336,480,000 31440   |
|                              |        | Match                 |    |                          |    |                     |
| TOTAL SSR                    |        | State Special Revenue | \$ | 494,618,806              | \$ | 559,483,258 31441   |
| Fund Group                   |        |                       |    |                          |    |                     |
| TOTAL ALL BUDGET FUND GROUPS |        |                       | \$ | <del>2,530,404,582</del> | \$ | 2,695,314,971 31442 |
|                              |        |                       |    | <u>2,529,304,582</u>     |    |                     |

**Sec. 259.210.** FISCAL YEAR 2015 MEDICAID PAYMENT RATES FOR 31444  
ICFs/IID 31445

(A) As used in this section: 31446

"Change of operator," "entering operator," "exiting 31447  
operator," "ICF/IID," "ICF/IID services," "Medicaid days," "peer 31448  
group 1," "peer group 2," "peer group 3," "provider," and 31449

"provider agreement" have the same meanings as in section 5124.01 31450  
of the Revised Code. 31451

"Franchise permit fee" means the fee imposed by sections 31452  
5168.60 to 5168.71 of the Revised Code. 31453

"Modified per diem rate" means the total per Medicaid day 31454  
payment rate calculated for an ICF/IID under division (C) of this 31455  
section. 31456

"Unmodified per diem rate" means the total per Medicaid day 31457  
payment rate calculated for an ICF/IID under Chapter 5124. of the 31458  
Revised Code. In the case of a new ICF/IID, "unmodified per diem 31459  
rate" means the initial total per Medicaid day payment rate 31460  
calculated for the new ICF/IID under section 5124.151 of the 31461  
Revised Code. 31462

(B)~~(1)~~ This section applies to each ~~ICF/IID~~ provider of an 31463  
ICF/IID in peer group 1 or peer group 2 to which any of the 31464  
following applies: 31465

~~(1)~~(a) The provider has a valid Medicaid provider agreement 31466  
for the ICF/IID on June 30, 2014, and a valid Medicaid provider 31467  
agreement for the ICF/IID during fiscal year 2015. 31468

~~(2)~~(b) The ICF/IID undergoes a change of operator that takes 31469  
effect during fiscal year 2015, the exiting operator has a valid 31470  
Medicaid provider agreement for the ICF/IID on the day immediately 31471  
preceding the effective date of the change of operator, and the 31472  
entering operator has a valid Medicaid provider agreement for the 31473  
ICF/IID during fiscal year 2015. 31474

~~(3)~~(c) The ICF/IID is a new ICF/IID for which the provider 31475  
obtains an initial provider agreement during fiscal year 2015. 31476

(2) This section does not apply to a provider of an ICF/IID 31477  
in peer group 3. 31478

(C)(1) Except as otherwise provided in this section, an 31479

ICF/IID provider to which this section applies shall be paid, for 31480  
ICF/IID services the ICF/IID provides during fiscal year 2015, the 31481  
total modified per diem rate determined for the ICF/IID under this 31482  
division. 31483

(2) Except in the case of a new ICF/IID, an ICF/IID's total 31484  
modified per diem rate for fiscal year 2015 shall be the ICF/IID's 31485  
total unmodified per diem rate for that fiscal year with the 31486  
following modifications: 31487

(a) In place of the inflation adjustment otherwise made under 31488  
section 5124.23 of the Revised Code, the ICF/IID's desk-reviewed, 31489  
actual, allowable, per diem other protected costs, excluding the 31490  
franchise permit fee, from calendar year 2013 shall be multiplied 31491  
by 1.014. 31492

(b) In place of the maximum cost per case-mix unit 31493  
established for the ICF/IID's peer group under division (C) of 31494  
section 5124.19 of the Revised Code, the ICF/IID's maximum costs 31495  
per case-mix unit shall be the ~~following~~: 31496

~~(i) In the case of an ICF/IID with more than eight beds,~~ 31497  
~~\$114.37 or the different amount, if any, specified in a future~~ 31498  
~~amendment to this section made under division (D)(3) of this~~ 31499  
~~section;~~ 31500

~~(ii) In the case of an ICF/IID with eight or fewer beds,~~ 31501  
~~\$109.09 or the different amount, if any, specified in a future~~ 31502  
~~amendment to this section made~~ determined under division (D)(3) of 31503  
this section. 31504

(c) In place of the inflation adjustment otherwise calculated 31505  
under division (D) of section 5124.19 of the Revised Code for the 31506  
purpose of division (A)(1)(b) of that section, an inflation 31507  
adjustment of 1.014 shall be used. 31508

(d) In the place of the grouper methodology prescribed, as of 31509  
the day immediately before the effective date of this section, in 31510

rules authorized by section 5124.192 of the Revised Code, the new 31511  
grouper methodology prescribed in rules authorized by division 31512  
(D)(2)(a) of this section shall be used. 31513

(e) In place of the maximum rate for indirect care costs 31514  
established for the ICF/IID's peer group under division (C) of 31515  
section 5124.21 of the Revised Code, the maximum rate for indirect 31516  
care costs for the ICF/IID's peer group shall be the following: 31517

(i) In the case of an ICF/IID ~~with more than eight beds in~~ 31518  
peer group 1, \$68.98; 31519

(ii) In the case of an ICF/IID ~~with eight or fewer beds in~~ 31520  
peer group 2, \$59.60. 31521

(f) In place of the inflation adjustment otherwise calculated 31522  
under divisions (D)(1) and (2) of section 5124.21 of the Revised 31523  
Code for the purpose of division (B)(1) of that section only, an 31524  
inflation adjustment of 1.014 shall be used. 31525

(g) In place of the efficiency incentive otherwise calculated 31526  
under division (B)(2) or (3) of section 5124.21 of the Revised 31527  
Code, the ICF/IID's efficiency incentive for indirect care costs 31528  
shall be the following: 31529

(i) In the case of an ICF/IID ~~with more than eight beds in~~ 31530  
peer group 1, \$3.69; 31531

(ii) In the case of an ICF/IID ~~with eight or fewer beds in~~ 31532  
peer group 2, \$3.19. 31533

(h) The ICF/IID's efficiency incentive for capital costs, as 31534  
determined under division (E) of section 5124.17 of the Revised 31535  
Code, shall be reduced by 50%. 31536

(3) In the case of a new ICF/IID, the ICF/IID's initial total 31537  
modified per diem rate for fiscal year 2015 shall be the ICF/IID's 31538  
total unmodified per diem rate for that fiscal year with the 31539  
following modifications: 31540

(a) In place of the amount determined under division 31541  
(A)(2)(a) of section 5124.151 of the Revised Code, if there are no 31542  
cost or resident assessment data for the new ICF/IID, the new 31543  
ICF/IID's initial per Medicaid day rate for direct care costs 31544  
shall be determined as follows: 31545

(i) Using the costs per case-mix units determined for 31546  
ICFs/IID under division (C)(3)(b) of Section 11 of Sub. H.B. 303 31547  
of the 129th General Assembly, as amended by ~~this act~~ Am. Sub. 31548  
H.B. 59 of the 130th General Assembly, determine the median of the 31549  
costs per case-mix units of each peer group; 31550

(ii) Multiply the median determined under division 31551  
(C)(3)(a)(i) of this section by the median annual average case-mix 31552  
score for the new ICF/IID's peer group for calendar year 2013; 31553

(iii) Multiply the product determined under division 31554  
(C)(3)(a)(ii) of this section by 1.014. 31555

(b) In place of the amount determined under division (A)(3) 31556  
of section 5124.151 of the Revised Code, the new ICF/IID's initial 31557  
per Medicaid day rate for indirect care costs shall be the 31558  
following: 31559

(i) If the new ICF/IID ~~has more than eight beds~~ is in peer 31560  
group 1, \$68.98; 31561

(ii) If the new ICF/IID ~~has eight or fewer beds~~ is in peer 31562  
group 2, \$59.60. 31563

(c) In place of the amount determined under division (A)(4) 31564  
of section 5124.151 of the Revised Code, the new ICF/IID's initial 31565  
per Medicaid day rate for other protected costs shall be one 31566  
hundred fifteen per cent of the median rate for ICFs/IID 31567  
determined under section 5124.23 of the Revised Code with the 31568  
modification made under division (C)(2)(a) of this section. 31569

(4) A new ICF/IID's initial total modified per diem rate for 31570

fiscal year 2015 as determined under division (C)(3) of this 31571  
section shall be adjusted at the applicable time specified in 31572  
division (B) of section 5124.151 of the Revised Code. If the 31573  
adjustment affects the ICF/IID's rate for ICF/IID services 31574  
provided during fiscal year 2015, the modifications specified in 31575  
division (C)(2) of this section apply to the adjustment. 31576

(D)(1) In consultation with the Ohio Provider Resource 31577  
Association, Values and Faith Alliance, Ohio Association of County 31578  
Boards of Developmental Disabilities, and Ohio Health Care 31579  
Association/Ohio Centers for Intellectual Disabilities, the 31580  
Director of Developmental Disabilities shall study all of the 31581  
following: 31582

(a) Establishing a new grouper methodology to be used when 31583  
determining ICFs/IID's case-mix scores for fiscal year 2015; 31584

~~(b) Whether the amounts specified in division (C)(2)(b)(i) 31585  
and (ii) of this section are set at levels that will avoid or 31586  
minimize rate reductions under division (E) of this section; 31587~~

~~(e) For the purposes of sections 5124.153 and 5124.154 of the 31588  
Revised Code, specifying additional diagnoses and special care 31589  
needs that individuals must have to meet the criteria for 31590  
admission to designated outlier ICFs/IID or units; 31591~~

~~(d)(c) Sources of funding for, or mechanisms to ensure the 31592  
budget neutrality of, the additional diagnoses and special care 31593  
needs studied under division (D)(1)(c) of this section. 31594~~

(2) Not later than March 31, 2014, the Director shall adopt 31595  
rules under section 5124.03 of the Revised Code to do both of the 31596  
following: 31597

(a) Prescribe the following: 31598

(i) If the Director and the organizations with which the 31599  
Director consults under division (D)(1) of this section agree, not 31600

later than December 31, 2013, to the terms of a new grouper 31601  
methodology to be used when determining ICFs/IID's case-mix scores 31602  
for fiscal year 2015, a new methodology that is consistent with 31603  
those terms; 31604

(ii) If division (D)(2)(a)(i) of this section does not apply, 31605  
a new grouper methodology that provides for six classes based on 31606  
data available to the Director on the day immediately before the 31607  
effective date of this section. 31608

(b) Specify additional diagnoses and special care needs that 31609  
individuals must have to meet the criteria for admission to 31610  
designated outlier ICFs/IID or units for the purposes of Medicaid 31611  
payment rates under sections 5124.153 and 5124.154 of the Revised 31612  
Code. 31613

(3) ~~If the~~ The Director and the organizations with which the 31614  
Director consults under ~~divisions~~ division (D)(1) of this section 31615  
~~agree that the amounts specified in divisions shall jointly~~ 31616  
determine the amount of the maximum cost per case-mix unit to be 31617  
used under division (C)(2)(b)(i) and (ii) of this section are not 31618  
set at levels that will avoid or minimize. To the extent possible, 31619  
the amount so determined shall do both of the following: 31620

(a) Avoid rate reductions adjustments under division (E) of 31621  
this section, ~~the Director and organizations shall recommend, not~~ 31622  
~~later than March 31, 2014, that the General Assembly amend this~~ 31623  
~~section to revise the amounts. It is the General Assembly's intent~~ 31624  
~~to amend this section to revise the amounts specified in divisions~~ 31625  
~~(C)(2)(b)(i) and (ii) of this section if the Director and~~ 31626  
~~organizations recommend that the amounts be revised;~~ 31627

(b) Result in payment of all desk-reviewed, actual, allowable 31628  
direct care costs for the same percentage of Medicaid days for 31629  
ICFs/IID in peer group 1 as for ICFs/IID in peer group 2 as of 31630  
July 1, 2014, based on May 2014 Medicaid days. 31631

(E) If the mean total per diem rate for all ICFs/IID to which this section applies, weighted by May 2014 Medicaid days and determined under division (C) of this section as of July 1, 2014, is other than \$282.77, the Department of Developmental Disabilities shall adjust, for fiscal year 2015, the total per diem rate for each ICF/IID to which this section applies by a percentage that is equal to the percentage by which the mean total per diem rate is greater or less than \$282.77.

(F) If the United States Centers for Medicare and Medicaid Services requires that the franchise permit fee be reduced or eliminated, the Department of Developmental Disabilities shall reduce the amount it pays ICF/IID providers under this section as necessary to reflect the loss to the state of the revenue and federal financial participation generated from the franchise permit fee.

(G) The Department of Developmental Disabilities shall follow this section in determining the rate to be paid ICF/IID providers subject to this section notwithstanding anything to the contrary in Chapter 5124. of the Revised Code.

(H) Of the foregoing appropriation items 653407, Medicaid Services, 653606, ICF/IID and Waiver Match, and 653653, ICF/IID, portions shall be used to pay the Medicaid payment rates determined in accordance with this section for ICF/IID services provided during fiscal year 2015.

**Sec. 263.10. EDU DEPARTMENT OF EDUCATION**

|                      |                        |    |            |    |            |       |
|----------------------|------------------------|----|------------|----|------------|-------|
| General Revenue Fund |                        |    |            |    | 31657      |       |
| GRF 200321           | Operating Expenses     | \$ | 13,142,780 | \$ | 13,142,780 | 31658 |
| GRF 200408           | Early Childhood        | \$ | 33,318,341 | \$ | 45,318,341 | 31659 |
|                      | Education              |    |            |    |            |       |
| GRF 200420           | Information Technology | \$ | 4,241,296  | \$ | 4,241,296  | 31660 |



|            |                                                     |    |             |    |             |       |
|------------|-----------------------------------------------------|----|-------------|----|-------------|-------|
|            | Development and Support                             |    |             |    |             |       |
| GRF 200421 | Alternative Education Programs                      | \$ | 7,403,998   | \$ | 7,403,998   | 31661 |
| GRF 200422 | School Management Assistance                        | \$ | 3,000,000   | \$ | 3,000,000   | 31662 |
| GRF 200424 | Policy Analysis                                     | \$ | 328,558     | \$ | 328,558     | 31663 |
| GRF 200425 | Tech Prep Consortia Support                         | \$ | 260,542     | \$ | 260,542     | 31664 |
| GRF 200426 | Ohio Educational Computer Network                   | \$ | 29,625,569  | \$ | 19,625,569  | 31665 |
| GRF 200427 | Academic Standards                                  | \$ | 3,800,000   | \$ | 3,800,000   | 31666 |
| GRF 200437 | Student Assessment                                  | \$ | 55,895,000  | \$ | 75,895,000  | 31667 |
| GRF 200439 | Accountability/Report Cards                         | \$ | 3,500,000   | \$ | 3,750,000   | 31668 |
| GRF 200442 | Child Care Licensing                                | \$ | 827,140     | \$ | 827,140     | 31669 |
| GRF 200446 | Education Management Information System             | \$ | 6,833,070   | \$ | 6,833,070   | 31670 |
| GRF 200447 | GED Testing                                         | \$ | 879,551     | \$ | 879,551     | 31671 |
| GRF 200448 | Educator Preparation                                | \$ | 1,136,737   | \$ | 1,564,237   | 31672 |
| GRF 200455 | Community Schools and Choice Programs               | \$ | 2,438,685   | \$ | 2,491,395   | 31673 |
| GRF 200464 | General Technology Operations                       | \$ | 192,097     | \$ | 192,097     | 31674 |
| GRF 200465 | Technology Integration and Professional Development | \$ | 1,778,879   | \$ | 1,778,879   | 31675 |
| GRF 200502 | Pupil Transportation                                | \$ | 505,013,527 | \$ | 521,013,527 | 31676 |
| GRF 200505 | School Lunch Match                                  | \$ | 9,100,000   | \$ | 9,100,000   | 31677 |
| GRF 200511 | Auxiliary Services                                  | \$ | 130,499,457 | \$ | 138,214,374 | 31678 |
| GRF 200532 | Nonpublic Administrative Cost Reimbursement         | \$ | 58,951,750  | \$ | 62,436,882  | 31679 |

|                                          |                                                         |                                                     |                                                     |                |
|------------------------------------------|---------------------------------------------------------|-----------------------------------------------------|-----------------------------------------------------|----------------|
| GRF 200540                               | Special Education<br>Enhancements                       | \$ 156,871,292                                      | \$ 157,871,292                                      | 31680          |
| GRF 200545                               | Career-Technical<br>Education Enhancements              | \$ 9,372,999                                        | \$ 9,372,999                                        | 31681          |
| GRF 200550                               | Foundation Funding                                      | \$ 5,808,098,389                                    | \$ 6,151,463,768                                    | 31682          |
| GRF 200566                               | Literacy Improvement                                    | \$ 150,000                                          | \$ 150,000                                          | 31683          |
| GRF 200901                               | Property Tax<br>Allocation - Education                  | \$ <del>1,138,800,000</del><br><u>1,126,800,000</u> | \$ <del>1,156,402,000</del><br><u>1,146,402,000</u> | 31684          |
| TOTAL GRF General Revenue Fund           |                                                         | \$ <del>7,985,459,657</del><br><u>7,973,459,657</u> | \$ <del>8,397,357,295</del><br><u>8,387,357,295</u> | 31685          |
| General Services Fund Group              |                                                         |                                                     |                                                     | 31686          |
| 1380 200606                              | Information<br>Technology<br>Development and<br>Support | \$ 6,850,090                                        | \$ 6,850,090                                        | 31687          |
| 4520 200638                              | Fees and Refunds                                        | \$ 500,000                                          | \$ 500,000                                          | 31688          |
| 4L20 200681                              | Teacher Certification<br>and Licensure                  | \$ 8,313,762                                        | \$ 13,658,274                                       | 31689          |
| 5960 200656                              | Ohio Career<br>Information System                       | \$ 529,761                                          | \$ 529,761                                          | 31690          |
| 5H30 200687                              | School District<br>Solvency Assistance                  | \$ 25,000,000                                       | \$ 25,000,000                                       | 31691          |
| <u>5JC0 200654</u>                       | <u>Adult Career<br/>Opportunity Pilot<br/>Program</u>   | \$ <u>0</u>                                         | \$ <u>2,500,000</u>                                 | 31692          |
| 5KX0 200691                              | Ohio School<br>Sponsorship Program                      | \$ 487,419                                          | \$ 487,419                                          | 31693          |
| 5KY0 200693                              | Community Schools<br>Temporary Sponsorship              | \$ 83,000                                           | \$ 83,000                                           | 31694          |
| TOTAL GSF General Services<br>Fund Group |                                                         | \$ 41,764,032                                       | \$ <del>47,108,544</del><br><u>49,608,544</u>       | 31695<br>31696 |
| Federal Special Revenue Fund Group       |                                                         |                                                     |                                                     | 31697          |

|      |        |                                                  |    |             |    |            |       |
|------|--------|--------------------------------------------------|----|-------------|----|------------|-------|
| 3090 | 200601 | Neglected and<br>Delinquent Education            | \$ | 2,168,642   | \$ | 2,168,642  | 31698 |
| 3670 | 200607 | School Food Services                             | \$ | 8,200,664   | \$ | 8,700,149  | 31699 |
| 3700 | 200624 | Education of<br>Exceptional Children             | \$ | 1,530,000   | \$ | 1,530,000  | 31700 |
| 3AF0 | 200603 | Schools Medicaid<br>Administrative Claims        | \$ | 750,000     | \$ | 750,000    | 31701 |
| 3AN0 | 200671 | School Improvement<br>Grants                     | \$ | 20,400,000  | \$ | 20,400,000 | 31702 |
| 3BK0 | 200628 | Longitudinal Data<br>Systems                     | \$ | 1,250,000   | \$ | 0          | 31703 |
| 3C50 | 200661 | Early Childhood<br>Education                     | \$ | 14,554,749  | \$ | 14,554,749 | 31704 |
| 3CG0 | 200646 | Teacher Incentive                                | \$ | 15,125,588  | \$ | 15,183,285 | 31705 |
| 3D20 | 200667 | Math Science<br>Partnerships                     | \$ | 6,000,000   | \$ | 6,000,000  | 31706 |
| 3EC0 | 200653 | Teacher Incentive -<br>Federal Stimulus          | \$ | 1,300,000   | \$ | 0          | 31707 |
| 3EH0 | 200620 | Migrant Education                                | \$ | 2,900,000   | \$ | 2,900,000  | 31708 |
| 3EJ0 | 200622 | Homeless Children<br>Education                   | \$ | 2,600,000   | \$ | 2,600,000  | 31709 |
| 3EK0 | 200637 | Advanced Placement                               | \$ | 450,000     | \$ | 450,000    | 31710 |
| 3EN0 | 200655 | State Data Systems -<br>Federal Stimulus         | \$ | 1,250,000   | \$ | 0          | 31711 |
| 3FD0 | 200665 | Race to the Top                                  | \$ | 136,000,000 | \$ | 58,074,046 | 31712 |
| 3FN0 | 200672 | Early Learning<br>Challenge - Race to<br>the Top | \$ | 7,040,000   | \$ | 7,040,000  | 31713 |
| 3GE0 | 200674 | Summer Food Service<br>Program                   | \$ | 13,596,000  | \$ | 14,003,800 | 31714 |
| 3GF0 | 200675 | Miscellaneous<br>Nutrition Grants                | \$ | 700,000     | \$ | 700,000    | 31715 |
| 3GG0 | 200676 | Fresh Fruit and                                  | \$ | 4,738,000   | \$ | 4,880,140  | 31716 |

|                                  |        |                       |    |               |    |                     |
|----------------------------------|--------|-----------------------|----|---------------|----|---------------------|
|                                  |        | Vegetable Program     |    |               |    |                     |
| 3H90                             | 200605 | Head Start            | \$ | 225,000       | \$ | 225,000 31717       |
|                                  |        | Collaboration Project |    |               |    |                     |
| 3L60                             | 200617 | Federal School Lunch  | \$ | 350,608,075   | \$ | 361,126,273 31718   |
| 3L70                             | 200618 | Federal School        | \$ | 108,480,590   | \$ | 112,819,813 31719   |
|                                  |        | Breakfast             |    |               |    |                     |
| 3L80                             | 200619 | Child/Adult Food      | \$ | 106,992,650   | \$ | 110,202,428 31720   |
|                                  |        | Programs              |    |               |    |                     |
| 3L90                             | 200621 | Career-Technical      | \$ | 44,663,900    | \$ | 44,663,900 31721    |
|                                  |        | Education Basic Grant |    |               |    |                     |
| 3M00                             | 200623 | ESEA Title 1A         | \$ | 560,000,000   | \$ | 560,000,000 31722   |
| 3M20                             | 200680 | Individuals with      | \$ | 443,170,050   | \$ | 443,170,050 31723   |
|                                  |        | Disabilities          |    |               |    |                     |
|                                  |        | Education Act         |    |               |    |                     |
| 3T40                             | 200613 | Public Charter        | \$ | 500,000       | \$ | 0 31724             |
|                                  |        | Schools               |    |               |    |                     |
| 3Y20                             | 200688 | 21st Century          | \$ | 48,201,810    | \$ | 50,611,900 31725    |
|                                  |        | Community Learning    |    |               |    |                     |
|                                  |        | Centers               |    |               |    |                     |
| 3Y60                             | 200635 | Improving Teacher     | \$ | 101,900,000   | \$ | 101,900,000 31726   |
|                                  |        | Quality               |    |               |    |                     |
| 3Y70                             | 200689 | English Language      | \$ | 9,700,000     | \$ | 9,700,000 31727     |
|                                  |        | Acquisition           |    |               |    |                     |
| 3Y80                             | 200639 | Rural and Low Income  | \$ | 3,300,000     | \$ | 3,300,000 31728     |
|                                  |        | Technical Assistance  |    |               |    |                     |
| 3Z20                             | 200690 | State Assessments     | \$ | 11,800,000    | \$ | 11,800,000 31729    |
| 3Z30                             | 200645 | Consolidated Federal  | \$ | 7,949,280     | \$ | 7,949,280 31730     |
|                                  |        | Grant Administration  |    |               |    |                     |
| TOTAL FED                        |        | Federal Special       |    |               |    | 31731               |
| Revenue Fund Group               |        |                       | \$ | 2,038,044,998 | \$ | 1,977,403,455 31732 |
| State Special Revenue Fund Group |        |                       |    |               |    | 31733               |
| 4540                             | 200610 | GED Testing           | \$ | 1,050,000     | \$ | 250,000 31734       |
| 4550                             | 200608 | Commodity Foods       | \$ | 24,000,000    | \$ | 24,000,000 31735    |

|                                      |               |                                      |    |                                              |    |                                                  |       |
|--------------------------------------|---------------|--------------------------------------|----|----------------------------------------------|----|--------------------------------------------------|-------|
| 4R70                                 | 200695        | Indirect Operational Support         | \$ | 6,600,000                                    | \$ | 6,600,000                                        | 31736 |
| 4V70                                 | 200633        | Interagency Program Support          | \$ | 717,725                                      | \$ | 717,725                                          | 31737 |
| 5980                                 | 200659        | Auxiliary Services Reimbursement     | \$ | 1,328,910                                    | \$ | 1,328,910                                        | 31738 |
| 5BJ0                                 | 200626        | Half-Mill Maintenance Equalization   | \$ | 19,000,000                                   | \$ | 20,000,000                                       | 31739 |
| 5MM0                                 | 200677        | Child Nutrition Refunds              | \$ | 500,000                                      | \$ | 500,000                                          | 31740 |
| 5T30                                 | 200668        | Gates Foundation Grants              | \$ | 200,000                                      | \$ | 153,000                                          | 31741 |
| 5U20                                 | 200685        | National Education Statistics        | \$ | 300,000                                      | \$ | 300,000                                          | 31742 |
| 6200                                 | 200615        | Educational Improvement Grants       | \$ | 300,000                                      | \$ | 300,000                                          | 31743 |
| TOTAL SSR State Special Revenue      |               |                                      |    |                                              |    |                                                  | 31744 |
| Fund Group                           |               |                                      | \$ | 53,996,635                                   | \$ | 54,149,635                                       | 31745 |
| Lottery Profits Education Fund Group |               |                                      |    |                                              |    |                                                  | 31746 |
| 7017                                 | 200612        | Foundation Funding                   | \$ | 775,500,000                                  | \$ | <del>853,000,000</del><br><u>857,700,000</u>     | 31747 |
| <u>7017</u>                          | <u>200629</u> | <u>Career Advising and Mentoring</u> | \$ | <u>0</u>                                     | \$ | <u>10,000,000</u>                                | 31748 |
| 7017                                 | 200648        | Straight A Fund                      | \$ | 100,000,000                                  | \$ | 150,000,000                                      | 31749 |
| 7017                                 | 200666        | EdChoice Expansion                   | \$ | <del>8,500,000</del><br><u>3,800,000</u>     | \$ | 17,000,000                                       | 31750 |
| 7017                                 | 200684        | Community School Facilities          | \$ | 7,500,000                                    | \$ | 7,500,000                                        | 31751 |
| TOTAL LPE Lottery Profits            |               |                                      |    |                                              |    |                                                  | 31752 |
| Education Fund Group                 |               |                                      | \$ | <del>891,500,000</del><br><u>886,800,000</u> | \$ | <del>1,027,500,000</del><br><u>1,042,200,000</u> | 31753 |
| Revenue Distribution Fund Group      |               |                                      |    |                                              |    |                                                  | 31754 |

|                                |        |                      |    |                             |    |                             |       |
|--------------------------------|--------|----------------------|----|-----------------------------|----|-----------------------------|-------|
| 7047                           | 200909 | School District      | \$ | 482,000,000                 | \$ | 482,000,000                 | 31755 |
|                                |        | Property Tax         |    |                             |    |                             |       |
|                                |        | Replacement-Business |    |                             |    |                             |       |
| 7053                           | 200900 | School District      | \$ | 28,000,000                  | \$ | 28,000,000                  | 31756 |
|                                |        | Property Tax         |    |                             |    |                             |       |
|                                |        | Replacement-Utility  |    |                             |    |                             |       |
| TOTAL RDF Revenue Distribution |        |                      |    |                             |    |                             | 31757 |
| Fund Group                     |        |                      | \$ | 510,000,000                 | \$ | 510,000,000                 | 31758 |
| TOTAL ALL BUDGET FUND GROUPS   |        |                      |    | <del>\$11,520,765,322</del> |    | <del>\$12,013,518,929</del> | 31759 |
|                                |        |                      |    | <u>11,504,065,322</u>       |    | <u>12,020,718,929</u>       |       |

**Sec. 263.230. FOUNDATION FUNDING** 31761

Of the foregoing appropriation item 200550, Foundation 31762  
 Funding, up to \$675,000 in fiscal year 2014 shall be used to 31763  
 support the work of the College of Education and Human Ecology at 31764  
 the Ohio State University in reviewing and assessing the alignment 31765  
 of courses offered through the distance learning clearinghouse 31766  
 established in sections 3333.81 to 3333.88 of the Revised Code 31767  
 with the academic content standards adopted under division (A) of 31768  
 section 3301.079 of the Revised Code. 31769

Of the foregoing appropriation item 200550, Foundation 31770  
 Funding, up to \$40,000,000 in each fiscal year shall be used to 31771  
 provide additional state aid to school districts, joint vocational 31772  
 school districts, community schools, and STEM schools for special 31773  
 education students under division (C)(3) of section 3314.08, 31774  
 section 3317.0214, division (B) of section 3317.16, and section 31775  
 3326.34 of the Revised Code, except that the Controlling Board may 31776  
 increase these amounts if presented with such a request from the 31777  
 Department of Education at the final meeting of the fiscal year. 31778

Of the foregoing appropriation item 200550, Foundation 31779  
 Funding, up to \$2,000,000 in each fiscal year shall be reserved 31780  
 for Youth Services tuition payments under section 3317.024 of the 31781

Revised Code. 31782

Of the foregoing appropriation item 200550, Foundation 31783  
Funding, up to \$3,800,000 in each fiscal year shall be used to 31784  
fund gifted education at educational service centers. The 31785  
Department shall distribute the funding through the unit-based 31786  
funding methodology in place under division (L) of section 31787  
3317.024, division (E) of section 3317.05, and divisions (A), (B), 31788  
and (C) of section 3317.053 of the Revised Code as they existed 31789  
prior to fiscal year 2010. 31790

Of the foregoing appropriation item 200550, Foundation 31791  
Funding, up to \$43,500,000 in fiscal year 2014 and up to 31792  
\$40,000,000 in fiscal year 2015 shall be reserved to fund the 31793  
state reimbursement of educational service centers under the 31794  
section of ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly 31795  
entitled "EDUCATIONAL SERVICE CENTERS FUNDING"; and up to 31796  
\$3,500,000 in each fiscal year shall be distributed to educational 31797  
service centers for School Improvement Initiatives and, in 31798  
consultation with the Governor's Director of 21st Century 31799  
Education, for the provision of technical assistance as required 31800  
by the Elementary and Secondary Education Act Flexibility waivers 31801  
approved for Ohio by the United States Department of Education. 31802  
Educational service centers shall be required to support districts 31803  
in the development and implementation of their continuous 31804  
improvement plans as required in section 3302.04 of the Revised 31805  
Code and to provide technical assistance and support in accordance 31806  
with Title I of the "No Child Left Behind Act of 2001," 115 Stat. 31807  
1425, 20 U.S.C. 6317, as administered pursuant to the Elementary 31808  
and Secondary Education Act Flexibility waivers approved for Ohio 31809  
by the United States Department of Education. 31810

Of the foregoing appropriation item 200550, Foundation 31811  
Funding, up to \$20,000,000 in each fiscal year shall be reserved 31812  
for payments under sections 3317.026, 3317.027, and 3317.028 of 31813

the Revised Code. If this amount is not sufficient, the Department 31814  
of Education shall prorate the payment amounts so that the 31815  
aggregate amount allocated in this paragraph is not exceeded. 31816

Of the foregoing appropriation item 200550, Foundation 31817  
Funding, up to \$2,000,000 in each fiscal year shall be used to pay 31818  
career-technical planning districts for the amounts reimbursed to 31819  
students, as prescribed in this paragraph. Each career-technical 31820  
planning district shall reimburse individuals taking the online 31821  
General Educational Development (GED) test for the first time for 31822  
application/test fees in excess of \$40. Each career-technical 31823  
planning district shall designate a site or sites where 31824  
individuals may register and take the exam. For each individual 31825  
that registers for the exam, the career-technical planning 31826  
district shall make available and offer career counseling 31827  
services, including information on adult education programs that 31828  
are available. Any remaining funds in each fiscal year shall be 31829  
reimbursed to the Department of Youth Services and the Department 31830  
of Rehabilitation and Correction for individuals in these 31831  
facilities who have taken the GED for the first time. The amounts 31832  
reimbursed shall not exceed the per-individual amounts reimbursed 31833  
to other individuals under this section for each section of the 31834  
GED. 31835

Of the foregoing appropriation item 200550, Foundation 31836  
Funding, up to \$410,000 in each fiscal year shall be used to pay 31837  
career-technical planning districts \$500 for each student that 31838  
receives a journeyman certification, as recognized by the United 31839  
States Department of Labor. 31840

Of the foregoing appropriation item 200550, Foundation 31841  
Funding, up to \$18,713,327 in ~~each~~ fiscal year 2014 and up to 31842  
\$26,213,327 in fiscal year 2015 shall be used to support school 31843  
choice programs. 31844

Of the portion of the funds distributed to the Cleveland 31845



Municipal School District under this section, up to \$11,901,887 in 31846  
each fiscal year shall be used to operate the school choice 31847  
program in the Cleveland Municipal School District under sections 31848  
3313.974 to 3313.979 of the Revised Code. Notwithstanding 31849  
divisions (B) and (C) of section 3313.978 and division (C) of 31850  
section 3313.979 of the Revised Code, up to \$1,000,000 in each 31851  
fiscal year of this amount shall be used by the Cleveland 31852  
Municipal School District to provide tutorial assistance as 31853  
provided in division (H) of section 3313.974 of the Revised Code. 31854  
The Cleveland Municipal School District shall report the use of 31855  
these funds in the district's three-year continuous improvement 31856  
plan as described in section 3302.04 of the Revised Code in a 31857  
manner approved by the Department of Education. 31858

Of the foregoing appropriation item 200550, Foundation 31859  
Funding, up to \$2,000,000 in fiscal year 2015 shall be used to pay 31860  
college-preparatory boarding schools the per pupil boarding amount 31861  
pursuant to section 3328.34 of the Revised Code. 31862

Of the foregoing appropriation item 200550, Foundation 31863  
Funding, up to \$500,000 in each fiscal year shall be used to 31864  
support Jobs for Ohio's Graduates. 31865

Of the foregoing appropriation item 200550, Foundation 31866  
Funding, up to \$250,000 in fiscal year 2015 may be used for 31867  
payment of the Post-Secondary Enrollment Options Program for 31868  
students instructed at home pursuant to section 3321.04 of the 31869  
Revised Code. 31870

Of the foregoing appropriation item 200550, Foundation 31871  
Funding, up to \$5,000,000 in fiscal year 2014 shall be used to 31872  
reimburse school districts for the full amount deducted in that 31873  
year under section 3310.55 of the Revised Code for Jon Peterson 31874  
Scholarships awarded under sections 3310.51 to 3310.64 of the 31875  
Revised Code to students who did not attend a public school in 31876  
their resident district in the previous school year. If this 31877

amount is not sufficient, the Department of Education shall 31878  
prorate the payment amounts so that the aggregate amount 31879  
appropriated in this paragraph is not exceeded. 31880

Of the foregoing appropriation item 200550, Foundation 31881  
Funding, an amount shall be available in each fiscal year to be 31882  
paid to joint vocational school districts in accordance with 31883  
division (A) of section 3317.16 of the Revised Code and the 31884  
section of ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly 31885  
entitled "TEMPORARY TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL 31886  
DISTRICTS." 31887

Of the foregoing appropriation item 200550, Foundation 31888  
Funding, up to \$700,000 in each fiscal year shall be used by the 31889  
Department of Education for a program to pay for educational 31890  
services for youth who have been assigned by a juvenile court or 31891  
other authorized agency to any of the facilities described in 31892  
division (A) of the section of ~~this act~~ Am. Sub. H.B. 59 of the 31893  
130th General Assembly entitled "PRIVATE TREATMENT FACILITY 31894  
PROJECT." 31895

Of the foregoing appropriation item 200550, Foundation 31896  
Funding, up to \$675,000 in fiscal year 2015 shall be used to 31897  
provide grants on a competitive basis to public and chartered 31898  
nonpublic schools for their participation in the electronic 31899  
textbook pilot project. These funds shall be administered as 31900  
provided under the section of ~~this act~~ Am. Sub. H.B. 59 of the 31901  
130th General Assembly entitled ELECTRONIC TEXTBOOK PILOT PROJECT. 31902

Of the foregoing appropriation item 200550, Foundation 31903  
Funding, up to \$500,000 in fiscal year 2014 and up to \$3,000,000 31904  
in fiscal year 2015 shall be used for the New Leaders for Ohio 31905  
Schools Pilot Project in accordance with Section 733.40 of ~~this~~ 31906  
~~act~~ Am. Sub. H.B. 59 of the 130th General Assembly. 31907

The remainder of appropriation item 200550, Foundation 31908

Funding, shall be used to distribute the amounts calculated for 31909  
formula aid under section 3317.022 of the Revised Code and the 31910  
section of ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly 31911  
entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED 31912  
VILLAGE SCHOOL DISTRICTS." 31913

Appropriation items 200502, Pupil Transportation, 200540, 31914  
Special Education Enhancements, and 200550, Foundation Funding, 31915  
other than specific set-asides, are collectively used in each 31916  
fiscal year to pay state formula aid obligations for school 31917  
districts, community schools, STEM schools, college preparatory 31918  
boarding schools, and joint vocational school districts under ~~this~~ 31919  
~~act~~ Am. Sub. H.B. 59 of the 130th General Assembly. The first 31920  
priority of these appropriation items, with the exception of 31921  
specific set-asides, is to fund state formula aid obligations. It 31922  
may be necessary to reallocate funds among these appropriation 31923  
items or use excess funds from other general revenue fund 31924  
appropriation items in the Department of Education's budget in 31925  
each fiscal year, in order to meet state formula aid obligations. 31926  
If it is determined that it is necessary to transfer funds among 31927  
these appropriation items or to transfer funds from other General 31928  
Revenue Fund appropriations in the Department of Education's 31929  
budget to meet state formula aid obligations, the Department of 31930  
Education shall seek approval from the Controlling Board to 31931  
transfer funds as needed. 31932

The Superintendent of Public Instruction shall make payments, 31933  
transfers, and deductions, as authorized by Title XXXIII of the 31934  
Revised Code and Sections 267.30.50, 267.30.53, 267.30.56, and 31935  
267.30.60 of Am. Sub. H.B. 153 of the 129th General Assembly, in 31936  
amounts substantially equal to those made in the prior year, or 31937  
otherwise, at the discretion of the Superintendent, until at least 31938  
the effective date of the amendments and enactments made to Title 31939  
XXXIII by ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly. 31940

If a new school district, community school, or STEM school opens 31941  
prior to the effective date of ~~this act~~ Am. Sub. H.B. 59 of the 31942  
130th General Assembly, the Department of Education shall pay to 31943  
the district or school an amount of \$5,000 per pupil, based upon 31944  
the estimated number of students that the district or school is 31945  
expected to serve. Any funds paid to districts or schools under 31946  
this section shall be credited toward the annual funds calculated 31947  
for the district or school after the changes made to Title XXXIII 31948  
in ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly are 31949  
effective. Upon the effective date of changes made to Title XXXIII 31950  
in ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly, funds 31951  
shall be calculated as an annual amount. 31952

**Sec. 263.240.** TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND 31953  
EXEMPTED VILLAGE SCHOOL DISTRICTS 31954

The Department of Education shall distribute funds within 31955  
appropriation item 200550, Foundation Funding, for temporary 31956  
transitional aid in each fiscal year to each qualifying city, 31957  
local, and exempted village school district. 31958

(A) For fiscal years 2014 and 2015, the Department shall pay 31959  
temporary transitional aid to each city, local, or exempted 31960  
village school district that experiences any decrease in its state 31961  
foundation funding for the current fiscal year from its 31962  
transitional aid guarantee base. The amount of the temporary 31963  
transitional aid payment shall equal the difference between its 31964  
foundation funding for the current fiscal year and its 31965  
transitional aid guarantee base. If the computation made under 31966  
this division results in a negative number, the district's funding 31967  
under this division shall be zero. 31968

(1) As used in this section, foundation funding for each 31969  
city, local, and exempted village school district for a given 31970  
fiscal year equals the sum of the amount calculated for the 31971

district under section 3317.022 of the Revised Code, as re-enacted 31972  
by ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly, and 31973  
the amounts calculated for the district under divisions (G)(1) and 31974  
(2) of section 3317.0212 of the Revised Code, as amended by ~~this~~ 31975  
~~act~~ Am. Sub. H.B. 59 of the 130th General Assembly, for that 31976  
fiscal year. 31977

(2) The transitional aid guarantee base for each city, local, 31978  
and exempted village school district equals the sum of the amounts 31979  
computed for the district for fiscal year 2013, under Sections 31980  
267.30.50, 267.30.53, and 267.30.56 of Am. Sub. H.B. 153 of the 31981  
129th General Assembly. The Department of Education shall adjust, 31982  
as necessary, the transitional aid guarantee base of any local 31983  
school district that participates in the establishment of a joint 31984  
vocational school district that begins receiving payments under 31985  
section 3317.16 of the Revised Code, as re-enacted by ~~this act~~ Am. 31986  
Sub. H.B. 59 of the 130th General Assembly, for fiscal year 2014 31987  
or fiscal year 2015, but does not receive payments under Section 31988  
267.30.60 of Am. Sub. H.B. 153 of the 129th General Assembly, for 31989  
fiscal year 2013. The Department shall adjust any such local 31990  
school district's guarantee base according to the amounts received 31991  
by the district in fiscal year 2013 for career-technical education 31992  
students who attend the newly established joint vocational school 31993  
district in fiscal year 2014 or fiscal year 2015. 31994

(B)(1) Notwithstanding section 3317.022 of the Revised Code, 31995  
as re-enacted by ~~this act~~ Am. Sub. H.B. 59 of the 130th General 31996  
Assembly, in fiscal year 2014, no city, local, or exempted village 31997  
school district shall be allocated foundation funding that is 31998  
greater than 1.0625 times the district's transitional aid 31999  
guarantee base. 32000

(2) Notwithstanding section 3317.022 of the Revised Code, as 32001  
re-enacted by ~~this act~~ Am. Sub. H.B. 59 of the 130th General 32002  
Assembly, in fiscal year 2015, no city, local, or exempted village 32003

school district shall be allocated foundation funding that is 32004  
greater than 1.105 times the district's fiscal year 2014 base, 32005  
which is the amount computed for foundation funding for the 32006  
district for fiscal year 2014 plus any amount calculated for 32007  
temporary transitional aid for fiscal year 2014 under division (A) 32008  
of this section and after any reductions made for fiscal year 2014 32009  
under division (B)(1) of this section. The Department shall 32010  
adjust, as necessary, the fiscal year 2014 base of any local 32011  
school district that participates in the establishment of a joint 32012  
vocational school district that begins receiving payments under 32013  
section 3317.16 of the Revised Code for fiscal year 2015, but does 32014  
not receive such payments for fiscal year 2014. The Department 32015  
shall adjust any such local school district's fiscal year 2014 32016  
base according to the amounts received by the district in fiscal 32017  
year 2014 for career-technical education students who attend the 32018  
newly established joint vocational school district in fiscal year 32019  
2015. 32020

(3) The Department shall reduce a district's payments under 32021  
divisions (A)(1), (2), (4), (5), (6), and (7) of section 3317.022 32022  
of the Revised Code, as re-enacted by ~~this act~~ Am. Sub. H.B. 59 of 32023  
the 130th General Assembly, and divisions (G)(1) and (2) of 32024  
section 3317.0212 of the Revised Code, as amended by ~~this act~~ Am. 32025  
Sub. H.B. 59 of the 130th General Assembly, proportionately as 32026  
necessary in order to comply with this division. If those amounts 32027  
are insufficient, the Department shall proportionately reduce a 32028  
district's payments under divisions (A)(3), (8), and (9) of 32029  
section 3317.022 of the Revised Code, as re-enacted by ~~this act~~ 32030  
Am. Sub. H.B. 59 of the 130th General Assembly. 32031

**Sec. 263.250. TEMPORARY TRANSITIONAL AID FOR JOINT VOCATIONAL** 32032  
**SCHOOL DISTRICTS** 32033

The Department of Education shall distribute funds within 32034

appropriation item 200550, Foundation Funding, for temporary 32035  
transitional aid in each fiscal year to each qualifying joint 32036  
vocational school district. 32037

(A) For fiscal years 2014 and 2015, the Department shall pay 32038  
temporary transitional aid to each joint vocational school 32039  
district that experiences any decrease in its state core 32040  
foundation funding under division (A) of section 3317.16 of the 32041  
Revised Code, as re-enacted by ~~this act~~ Am. Sub. H.B. 59 of the 32042  
130th General Assembly, for the current fiscal year from its 32043  
transitional aid guarantee base. The amount of the temporary 32044  
transitional aid payment shall equal the difference between the 32045  
district's funding under division (A) of section 3317.16 of the 32046  
Revised Code for the current fiscal year and its transitional aid 32047  
guarantee base. If the computation made under this division 32048  
results in a negative number, the district's funding under this 32049  
division shall be zero. 32050

The transitional aid guarantee base for each joint vocational 32051  
school district equals the amount computed for the district for 32052  
fiscal year 2013, under Section 267.30.60 of Am. Sub. H.B. 153 of 32053  
the 129th General Assembly. The Department of Education shall 32054  
establish, as necessary, the transitional aid guarantee base of 32055  
any joint vocational school district that begins receiving 32056  
payments under section 3317.16 of the Revised Code, as re-enacted 32057  
by ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly, for 32058  
fiscal year 2014 or fiscal year 2015, but does not receive 32059  
payments under Section 267.30.60 of Am. Sub. H.B. 153 of the 129th 32060  
General Assembly, for fiscal year 2013. The Department shall 32061  
establish any such joint vocational school district's guarantee 32062  
base as an amount equal to the absolute value of the sum of the 32063  
associated adjustments of any local school districts' guarantee 32064  
bases under Section 263.240 of ~~this act~~ Am. Sub. H.B. 59 of the 32065  
130th General Assembly. 32066

(B)(1) Notwithstanding division (A) of section 3317.16 of the Revised Code, as re-enacted by ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly, in fiscal year 2014, no joint vocational school district shall be allocated state core foundation funding, as computed under division (A) of section 3317.16 of the Revised Code, as re-enacted by ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly, that is greater than 1.0625 times the district's transitional aid guarantee base.

(2) Notwithstanding division (A) of section 3317.16 of the Revised Code, as re-enacted by ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly, in fiscal year 2015, no joint vocational school district shall be allocated state core foundation funding, under division (A) of section 3317.16 of the Revised Code, as re-enacted by ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly, that is greater than 1.105 times the district's fiscal year 2014 base, which is the amount computed for state core foundation funding for the district for fiscal year 2014 under division (A) of section 3317.16 of the Revised Code, as re-enacted by this act Am. Sub. H.B. 59 of the 130th General Assembly, plus any amount calculated for temporary transitional aid for fiscal year 2014 under division (A) of this section and after any reductions made for fiscal year 2014 under division (B)(1) of this section. The Department shall establish, as necessary, the fiscal year 2014 base of any joint vocational school district that begins receiving payments under section 3317.16 of the Revised Code for fiscal year 2015, but does not receive such payments for fiscal year 2014. The Department shall establish any such joint vocational school district's fiscal year 2014 base as an amount equal to the absolute value of the sum of the associated adjustments of any local school district's fiscal year 2014 base under division (B)(2) of Section 263.240 of Am. Sub. H.B. 59 of the 130th General Assembly.



(3) The Department shall reduce a district's payments under divisions (A)(1), (3), and (4) of section 3317.16 of the Revised Code, as re-enacted by ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly, proportionately as necessary in order to comply with this division. If those amounts are insufficient, the Department shall proportionately reduce a district's payments under divisions (A)(2), (5), and (6) of section 3317.16 of the Revised Code, as re-enacted by ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly.

**Sec. 263.270. TEACHER CERTIFICATION AND LICENSURE**

The foregoing appropriation item 200681, Teacher Certification and Licensure, shall be used by the Department of Education in each year of the biennium to administer and support teacher certification and licensure activities.

**SCHOOL DISTRICT SOLVENCY ASSISTANCE**

(A) Of the foregoing appropriation item 200687, School District Solvency Assistance, \$20,000,000 in each fiscal year shall be allocated to the School District Shared Resource Account and \$5,000,000 in each fiscal year shall be allocated to the Catastrophic Expenditures Account. These funds shall be used to provide assistance and grants to school districts to enable them to remain solvent under section 3316.20 of the Revised Code. Assistance and grants shall be subject to approval by the Controlling Board. Except as provided under division (C) of this section, any required reimbursements from school districts for solvency assistance shall be made to the appropriate account in the School District Solvency Assistance Fund (Fund 5H30).

(B) Notwithstanding any provision of law to the contrary, upon the request of the Superintendent of Public Instruction, the Director of Budget and Management may make transfers to the School District Solvency Assistance Fund (Fund 5H30) from any fund used

by the Department of Education or the General Revenue Fund to 32130  
maintain sufficient cash balances in Fund 5H30 in fiscal years 32131  
2014 and 2015. Any cash transferred is hereby appropriated. The 32132  
transferred cash may be used by the Department of Education to 32133  
provide assistance and grants to school districts to enable them 32134  
to remain solvent and to pay unforeseeable expenses of a temporary 32135  
or emergency nature that the school district is unable to pay from 32136  
existing resources. The Director of Budget and Management shall 32137  
notify the members of the Controlling Board of any such transfers. 32138

(C) If the cash balance of the School District Solvency 32139  
Assistance Fund (Fund 5H30) is insufficient to pay solvency 32140  
assistance in fiscal years 2014 and 2015, at the request of the 32141  
Superintendent of Public Instruction, and with the approval of the 32142  
Controlling Board, the Director of Budget and Management may 32143  
transfer cash from the Lottery Profits Education Reserve Fund 32144  
(Fund 7018) to Fund 5H30 to provide assistance and grants to 32145  
school districts to enable them to remain solvent and to pay 32146  
unforeseeable expenses of a temporary nature that they are unable 32147  
to pay from existing resources under section 3316.20 of the 32148  
Revised Code. Such transfers are hereby appropriated to 32149  
appropriation item 200670, School District Solvency Assistance - 32150  
Lottery. Any required reimbursements from school districts for 32151  
solvency assistance granted from appropriation item 200670, School 32152  
District Solvency Assistance - Lottery, shall be made to Fund 32153  
7018. 32154

ADULT CAREER OPPORTUNITY PILOT PROGRAM 32155

The foregoing appropriation item 200654, Adult Career 32156  
Opportunity Pilot Program, shall be used by the Superintendent of 32157  
Public Instruction to award and administer planning grants for the 32158  
Adult Career Opportunity Pilot Program established in section 32159  
3313.902 of the Revised Code. The Superintendent may award grants 32160  
of up to \$500,000 to not more than five eligible institutions. The 32161

grants shall be used by selected eligible institutions to build 32162  
capacity to implement the program beginning in the 2015-2016 32163  
academic year. 32164

The Superintendent of Public Instruction and the Chancellor, 32165  
or their designees, shall develop an application process to award 32166  
these grants to eligible institutions geographically dispersed 32167  
across the state. Any remaining appropriation after providing 32168  
grants to eligible institutions may be used to provide technical 32169  
assistance to eligible institutions receiving the grant. 32170

The Superintendent, in consultation with the Chancellor, the 32171  
Governor's Office of Workforce Transformation, the Ohio 32172  
Association of Community Colleges, Ohio Technical Centers, Adult 32173  
Basic and Literacy Education programs, and other interested 32174  
parties as deemed necessary, or their designees, shall develop 32175  
recommendations for the method of funding and other associated 32176  
requirements for the Adult Career Opportunity Pilot Program. The 32177  
Superintendent shall provide a report of the recommendations to 32178  
the Governor, the President of the Senate, and the Speaker of the 32179  
House of Representatives by December 31, 2014. 32180

As used in this section, "eligible institution" has the same 32181  
meaning as in section 3313.902 of the Revised Code. 32182

**Sec. 263.320. LOTTERY PROFITS EDUCATION FUND** 32183

Appropriation item 200612, Foundation Funding (Fund 7017), 32184  
shall be used in conjunction with appropriation item 200550, 32185  
Foundation Funding (GRF), to provide state foundation payments to 32186  
school districts. 32187

The Department of Education, with the approval of the 32188  
Director of Budget and Management, shall determine the monthly 32189  
distribution schedules of appropriation item 200550, Foundation 32190  
Funding (GRF), and appropriation item 200612, Foundation Funding 32191

(Fund 7017). If adjustments to the monthly distribution schedule 32192  
are necessary, the Department of Education shall make such 32193  
adjustments with the approval of the Director of Budget and 32194  
Management. 32195

CAREER ADVISING AND MENTORING PROGRAM 32196

The foregoing appropriation item 200629, Career Advising and 32197  
Mentoring, shall be used by the State Superintendent of Public 32198  
Instruction to create the Career Advising and Mentoring Grant 32199  
Program. The Superintendent shall develop guidelines for the 32200  
grants. The program shall award competitive matching grants to 32201  
provide funding for local networks of volunteers and organizations 32202  
to sponsor career advising and mentoring for students in eligible 32203  
school districts. Each grant award shall match up to three times 32204  
the funds allocated to the project by the local network. Eligible 32205  
school districts are those with a high percentage of students in 32206  
poverty, a high number of students not graduating on time, and 32207  
other criteria as determined by the State Superintendent. Eligible 32208  
school districts shall partner with members of the business 32209  
community, civic organizations, or the faith-based community to 32210  
provide sustainable career advising and mentoring services. 32211

STRAIGHT A FUND 32212

Of the foregoing appropriation item 200648, Straight A Fund, 32213  
up to \$70,000 in each fiscal year shall be used by Kids Unlimited 32214  
of Toledo for quality after-school tutoring and mentoring programs 32215  
in two elementary school buildings in Lucas County. The school 32216  
buildings may include any community school, chartered nonpublic 32217  
school, or building that is part of a city, local, or exempted 32218  
village school district. Kids Unlimited of Toledo shall provide 32219  
local matching funds equal to the set-aside. 32220

Of the foregoing appropriation item 200648, Straight A Fund, 32221  
up to \$250,000 in each fiscal year may be used to make competitive 32222

grants in accordance with Section 263.324 of this act. 32223

Of the foregoing appropriation item 200648, Straight A Fund, 32224  
up to \$6,000,000 in fiscal year 2014 shall be distributed to the 32225  
Cleveland Municipal School District to be used, as determined by 32226  
the Department of Education, to implement provisions of Am. Sub. 32227  
H.B. 525 of the 129th General Assembly. 32228

Of the foregoing appropriation item 200648, Straight A Fund, 32229  
up to \$5,000,000 in each fiscal year shall be provided to school 32230  
districts that meet the conditions prescribed in division (G)(3) 32231  
of section 3317.0212 of the Revised Code to support innovations 32232  
that improve the efficiency of pupil transportation. This may 32233  
include, but is not limited to, the purchase of buses and other 32234  
equipment. The Department of Education shall distribute these 32235  
funds to districts based on each district's qualifying ridership 32236  
as reported under division (B) of section 3317.0212 of the Revised 32237  
Code. 32238

The remainder of appropriation item 200648, Straight A Fund, 32239  
shall be used to make competitive grants in accordance with 32240  
Section 263.325 of this act. 32241

EDCHOICE EXPANSION 32242

The foregoing appropriation item 200666, EdChoice Expansion, 32243  
shall be used as follows: 32244

(A) In fiscal year 2014, notwithstanding section 3310.032 of 32245  
the Revised Code, the Department of Education shall administer an 32246  
expansion of the Educational Choice Scholarship program as 32247  
follows: 32248

(1) A student is an "eligible student" for purposes of the 32249  
expansion of the Educational Choice Scholarship Pilot Program 32250  
under division (A) of this section if the student's resident 32251  
district is not a school district in which the pilot project 32252  
scholarship program is operating under sections 3313.974 to 32253

3313.979 of the Revised Code and the student's family income is at 32254  
or below two hundred per cent of the federal poverty guidelines, 32255  
as defined in section 5101.46 of the Revised Code. 32256

(2) The Department shall pay scholarships to attend chartered 32257  
nonpublic schools in accordance with section 3310.08 of the 32258  
Revised Code. The number of scholarships awarded under division 32259  
(A) of this section shall not exceed the number that can be funded 32260  
with appropriations made by the general assembly for this purpose. 32261

(3) Scholarships under division (A) of this section shall be 32262  
awarded for the 2013-2014 school year, to eligible students who 32263  
are entering kindergarten in that school year for the first time. 32264

(4) If the number of eligible students who apply for a 32265  
scholarship exceeds the scholarships available based on the 32266  
appropriation for division (A) of this section, the department 32267  
shall award scholarships in the following order of priority: 32268

(a) First, to eligible students with family incomes at or 32269  
below one hundred per cent of the federal poverty guidelines. 32270

(b) Second, to other eligible students who qualify under 32271  
division (A) of this section. If the number of students described 32272  
in division (A)(4)(b) of this section exceeds the number of 32273  
available scholarships after awards are made under division 32274  
(A)(4)(a) of this section, the department shall select students 32275  
described in division (A)(4)(b) of this section by lot to receive 32276  
any remaining scholarships. 32277

(5) A student who receives a scholarship under division (A) 32278  
of this section remains an eligible student and may continue to 32279  
receive scholarships under section 3310.032 of the Revised Code in 32280  
subsequent school years until the student completes grade twelve, 32281  
so long as the student satisfies the conditions specified in 32282  
divisions (E)(2) and (3) of section 3310.03 of the Revised Code. 32283

Once a scholarship is awarded under this section, the student 32284

shall remain eligible for that scholarship for the current and 32285  
subsequent school years, even if the student's family income rises 32286  
above the amount specified in division (A) of section 3310.032 of 32287  
the Revised Code, provided the student remains enrolled in a 32288  
chartered nonpublic school. 32289

(B) In fiscal year 2015, to provide for the scholarships 32290  
awarded under the expansion of the educational choice program 32291  
established under section 3310.032 of the Revised Code. The number 32292  
of scholarships awarded under the expansion of the educational 32293  
choice program shall not exceed the number that can be funded with 32294  
the appropriations made by the General Assembly for this purpose. 32295

COMMUNITY SCHOOL FACILITIES 32296

The foregoing appropriation item 200684, Community School 32297  
Facilities, shall be used to pay each community school established 32298  
under Chapter 3314. of the Revised Code that is not an internet- 32299  
or computer-based community school and each STEM school 32300  
established under Chapter 3326. of the Revised Code an amount 32301  
equal to \$100 for each full-time equivalent pupil for assistance 32302  
with the cost associated with facilities. If the amount 32303  
appropriated is not sufficient, the Department of Education shall 32304  
prorate the amounts so that the aggregate amount appropriated is 32305  
not exceeded. 32306

**Sec. 263.325.** (A) The Straight A Program is hereby created 32307  
for fiscal years 2014 and 2015 to provide grants to city, local, 32308  
exempted village, and joint vocational school districts, 32309  
educational service centers, community schools established under 32310  
Chapter 3314., STEM schools established under Chapter 3326., 32311  
college-preparatory boarding schools established under Chapter 32312  
3328. of the Revised Code, individual school buildings, education 32313  
consortia (which may represent a partnership among school 32314  
districts, school buildings, community schools, or STEM schools), 32315

institutions of higher education, and private entities partnering 32316  
with one or more of the educational entities identified in this 32317  
division for projects that aim to achieve significant advancement 32318  
in one or more of the following goals: 32319

(1) Student achievement; 32320

(2) Spending reduction in the five-year fiscal forecast 32321  
required under section 5705.391 of the Revised Code; 32322

(3) Utilization of a greater share of resources in the 32323  
classroom. 32324

(B)(1) Grants shall be awarded by a nine-member governing 32325  
board consisting of the Superintendent of Public Instruction, or 32326  
the Superintendent's designee, four members appointed by the 32327  
Governor, two members appointed by the Speaker of the House of 32328  
Representatives, and two members appointed by the President of the 32329  
Senate. The Department of Education shall provide administrative 32330  
support to the board. No member shall be compensated for the 32331  
member's service on the board. 32332

(2) The board shall select grant advisors with fiscal 32333  
expertise and education expertise. These advisors shall evaluate 32334  
proposals from grant applicants and advise the staff administering 32335  
the program. No advisor shall be compensated for this service. 32336

(3) The board shall issue an annual report to the Governor, 32337  
the Speaker of the House of Representatives, the President of the 32338  
Senate, and the chairpersons of the House and Senate committees 32339  
that primarily deal with education regarding the types of grants 32340  
awarded, the grant recipients, and the effectiveness of the grant 32341  
program. 32342

(4) The board shall create a grant application and publish on 32343  
the Department's web site the application and timeline for the 32344  
submission, review, notification, and awarding of grant proposals. 32345



(5) With the approval of the board, the Department shall 32346  
establish a system for evaluating and scoring the grant 32347  
applications received under this section. 32348

(C) Each grant applicant shall submit a proposal that 32349  
includes all of the following: 32350

(1) A description of the project for which the applicant is 32351  
seeking a grant, including a description of how the project will 32352  
have substantial value and lasting impact; 32353

(2) An explanation of how the project will be 32354  
self-sustaining. If the project will result in increased ongoing 32355  
spending, the applicant shall show how the spending will be offset 32356  
by verifiable, credible, permanent spending reductions. 32357

(3) A description of quantifiable results of the project that 32358  
can be benchmarked. 32359

If an education consortia described in division (A) of this 32360  
section applies for a grant, the lead applicant shall be the 32361  
school district, school building, community school, or STEM school 32362  
that is a member of the consortia and shall so indicate on the 32363  
grant application. 32364

(D)(1) Within seventy-five days after receiving a grant 32365  
application, the board shall issue a decision on the application 32366  
of "yes," "no," "hold," or "edit." In making its decision, the 32367  
board shall consider whether the project has the capability of 32368  
being replicated in other school districts and schools or creates 32369  
something that can be used in other districts and schools. A grant 32370  
awarded under this section to a school district, educational 32371  
service center, community school, STEM school, college-preparatory 32372  
boarding school, individual school building, institution of higher 32373  
education, or private entity partnering with one or more of the 32374  
educational entities identified in division (A) of this section 32375  
shall not exceed \$5,000,000 in each fiscal year. A grant awarded 32376

to an education consortia shall not exceed \$15,000,000 in each 32377  
fiscal year. The Superintendent of Public Instruction may make 32378  
recommendations to the Controlling Board that these maximum 32379  
amounts be exceeded. Upon Controlling Board approval, grants may 32380  
be awarded in excess of these amounts. 32381

(2) If the board issues a "hold" or "edit" decision for an 32382  
application, it shall, upon returning the application to the 32383  
applicant, specify the process for reconsideration of the 32384  
application. An applicant may work with the grant advisors and 32385  
staff to modify or improve a grant application. 32386

(E) Upon deciding to award a grant to an applicant, the board 32387  
shall enter into a grant agreement with the applicant that 32388  
includes all of the following: 32389

(1) The content of the applicant's proposal as outlined under 32390  
division (C) of this section; 32391

(2) The project's deliverables and a timetable for their 32392  
completion; 32393

(3) Conditions for receiving grant funding; 32394

(4) Conditions for receiving funding in future years if the 32395  
contract is a multi-year contract; 32396

(5) A provision specifying that funding will be returned to 32397  
the board if the applicant fails to implement the agreement, as 32398  
determined by the Auditor of State. 32399

(6) A provision specifying that the agreement may be amended 32400  
by mutual agreement between the board and the applicant. 32401

(F) An advisory committee for the Straight A Program is 32402  
hereby established. The committee shall consist of not more than 32403  
eleven members appointed by the Governor that represent all areas 32404  
of the state and different interests. The committee shall annually 32405  
review the Straight A Program and provide strategic advice to the 32406

governing board and the Director of the Governor's Office of 21st Century Education. 32407  
32408

(G) Each grant awarded under this section shall be subject to approval by the Controlling Board prior to execution of the grant agreement. 32409  
32410  
32411

(H) Notwithstanding Section 503.50 of Am. Sub. H.B. 59 of the 130th General Assembly, grants awarded under this section may be used by grant recipients for grant-related expenses incurred for a period not to exceed two years from the date of the award according to guidelines established by the Straight A Fund governing board. 32412  
32413  
32414  
32415  
32416  
32417

**Sec. 275.10. EPA ENVIRONMENTAL PROTECTION AGENCY** 32418

General Revenue Fund 32419

|     |        |                 |    |            |    |            |       |
|-----|--------|-----------------|----|------------|----|------------|-------|
| GRF | 715502 | Auto Emissions  | \$ | 10,923,093 | \$ | 10,923,093 | 32420 |
|     |        | e-Check Program |    |            |    |            |       |

|           |                      |    |            |    |            |       |
|-----------|----------------------|----|------------|----|------------|-------|
| TOTAL GRF | General Revenue Fund | \$ | 10,923,093 | \$ | 10,923,093 | 32421 |
|-----------|----------------------|----|------------|----|------------|-------|

General Services Fund Group 32422

|      |        |                     |    |         |    |         |       |
|------|--------|---------------------|----|---------|----|---------|-------|
| 1990 | 715602 | Laboratory Services | \$ | 252,153 | \$ | 326,029 | 32423 |
|------|--------|---------------------|----|---------|----|---------|-------|

|      |        |                 |    |            |    |            |       |
|------|--------|-----------------|----|------------|----|------------|-------|
| 2190 | 715604 | Central Support | \$ | 10,255,680 | \$ | 10,255,680 | 32424 |
|      |        | Indirect        |    |            |    |            |       |

|      |        |                    |    |           |    |           |       |
|------|--------|--------------------|----|-----------|----|-----------|-------|
| 4A10 | 715640 | Operating Expenses | \$ | 2,600,000 | \$ | 2,602,000 | 32425 |
|------|--------|--------------------|----|-----------|----|-----------|-------|

|      |        |                |    |        |    |        |       |
|------|--------|----------------|----|--------|----|--------|-------|
| 4D50 | 715618 | Recycled State | \$ | 50,000 | \$ | 50,000 | 32426 |
|      |        | Materials      |    |        |    |        |       |

|           |                  |  |  |  |  |       |
|-----------|------------------|--|--|--|--|-------|
| TOTAL GSF | General Services |  |  |  |  | 32427 |
|-----------|------------------|--|--|--|--|-------|

|            |    |            |    |            |       |
|------------|----|------------|----|------------|-------|
| Fund Group | \$ | 13,157,833 | \$ | 13,233,709 | 32428 |
|------------|----|------------|----|------------|-------|

Federal Special Revenue Fund Group 32429

|      |        |                     |    |           |    |           |       |
|------|--------|---------------------|----|-----------|----|-----------|-------|
| 3530 | 715612 | Public Water Supply | \$ | 2,562,578 | \$ | 2,474,605 | 32430 |
|------|--------|---------------------|----|-----------|----|-----------|-------|

|      |        |                      |    |           |    |           |       |
|------|--------|----------------------|----|-----------|----|-----------|-------|
| 3540 | 715614 | Hazardous Waste      | \$ | 4,088,383 | \$ | 4,088,383 | 32431 |
|      |        | Management - Federal |    |           |    |           |       |

|      |        |                       |    |           |    |           |       |
|------|--------|-----------------------|----|-----------|----|-----------|-------|
| 3570 | 715619 | Air Pollution Control | \$ | 6,310,203 | \$ | 6,310,203 | 32432 |
|------|--------|-----------------------|----|-----------|----|-----------|-------|

|                                  |        |                                          |    |            |    |                                            |                |
|----------------------------------|--------|------------------------------------------|----|------------|----|--------------------------------------------|----------------|
|                                  |        | - Federal                                |    |            |    |                                            |                |
| 3620                             | 715605 | Underground Injection Control - Federal  | \$ | 111,874    | \$ | 111,874                                    | 32433          |
| 3BU0                             | 715684 | Water Quality Protection                 | \$ | 16,205,000 | \$ | 15,280,000                                 | 32434          |
| 3CS0                             | 715688 | Federal NRD Settlements                  | \$ | 200,000    | \$ | 200,000                                    | 32435          |
| 3F20                             | 715630 | Revolving Loan Fund - Operating          | \$ | 832,543    | \$ | 1,114,543                                  | 32436          |
| 3F30                             | 715632 | Federally Supported Cleanup and Response | \$ | 3,012,021  | \$ | 3,012,991                                  | 32437          |
| 3FH0                             | 715693 | Diesel Emission Reduction Grants         | \$ | 10,000,000 | \$ | <del>10,000,000</del><br><u>2,500,000</u>  | 32438          |
| 3T30                             | 715669 | Drinking Water State Revolving Fund      | \$ | 2,609,198  | \$ | 2,824,076                                  | 32439          |
| 3V70                             | 715606 | Agencywide Grants                        | \$ | 600,000    | \$ | 600,000                                    | 32440          |
| TOTAL FED                        |        | Federal Special Revenue Fund Group       | \$ | 46,531,800 | \$ | <del>46,016,675</del><br><u>38,516,675</u> | 32441<br>32442 |
| State Special Revenue Fund Group |        |                                          |    |            |    |                                            | 32443          |
| 4J00                             | 715638 | Underground Injection Control            | \$ | 389,126    | \$ | 402,697                                    | 32444          |
| 4K20                             | 715648 | Clean Air - Non Title V                  | \$ | 3,165,400  | \$ | 3,237,450                                  | 32445          |
| 4K30                             | 715649 | Solid Waste                              | \$ | 15,685,342 | \$ | 16,330,873                                 | 32446          |
| 4K40                             | 715650 | Surface Water Protection                 | \$ | 6,993,800  | \$ | 7,688,800                                  | 32447          |
| 4K40                             | 715686 | Environmental Laboratory Services        | \$ | 2,096,007  | \$ | 2,096,007                                  | 32448          |
| 4K50                             | 715651 | Drinking Water Protection                | \$ | 6,316,772  | \$ | 6,476,011                                  | 32449          |
| 4P50                             | 715654 | Cozart Landfill                          | \$ | 100,000    | \$ | 100,000                                    | 32450          |
| 4R50                             | 715656 | Scrap Tire Management                    | \$ | 1,059,378  | \$ | 1,070,532                                  | 32451          |

|      |        |                                        |    |            |    |            |       |
|------|--------|----------------------------------------|----|------------|----|------------|-------|
| 4R90 | 715658 | Voluntary Action<br>Program            | \$ | 916,690    | \$ | 945,195    | 32452 |
| 4T30 | 715659 | Clean Air - Title V<br>Permit Program  | \$ | 14,528,885 | \$ | 15,080,366 | 32453 |
| 4U70 | 715660 | Construction and<br>Demolition Debris  | \$ | 335,000    | \$ | 335,000    | 32454 |
| 5000 | 715608 | Immediate Removal<br>Special Account   | \$ | 660,033    | \$ | 660,293    | 32455 |
| 5030 | 715621 | Hazardous Waste<br>Facility Management | \$ | 7,615,403  | \$ | 8,224,041  | 32456 |
| 5050 | 715623 | Hazardous Waste<br>Cleanup             | \$ | 14,528,609 | \$ | 14,933,345 | 32457 |
| 5050 | 715674 | Clean Ohio<br>Environmental Review     | \$ | 108,104    | \$ | 108,104    | 32458 |
| 5320 | 715646 | Recycling and Litter<br>Control        | \$ | 4,514,500  | \$ | 4,535,500  | 32459 |
| 5410 | 715670 | Site Specific Cleanup                  | \$ | 1,548,101  | \$ | 1,548,101  | 32460 |
| 5420 | 715671 | Risk Management<br>Reporting           | \$ | 208,936    | \$ | 214,826    | 32461 |
| 5860 | 715637 | Scrap Tire Market<br>Development       | \$ | 1,497,645  | \$ | 1,497,645  | 32462 |
| 5BC0 | 715617 | Clean Ohio                             | \$ | 611,455    | \$ | 611,455    | 32463 |
| 5BC0 | 715622 | Local Air Pollution<br>Control         | \$ | 2,297,980  | \$ | 2,297,980  | 32464 |
| 5BC0 | 715624 | Surface Water                          | \$ | 9,614,974  | \$ | 9,614,974  | 32465 |
| 5BC0 | 715672 | Air Pollution Control                  | \$ | 5,684,758  | \$ | 5,684,758  | 32466 |
| 5BC0 | 715673 | Drinking and Ground<br>Water           | \$ | 4,863,521  | \$ | 4,863,521  | 32467 |
| 5BC0 | 715676 | Assistance and<br>Prevention           | \$ | 695,069    | \$ | 695,069    | 32468 |
| 5BC0 | 715677 | Laboratory                             | \$ | 1,358,586  | \$ | 1,558,586  | 32469 |
| 5BC0 | 715678 | Corrective Actions                     | \$ | 705,423    | \$ | 705,423    | 32470 |
| 5BC0 | 715687 | Areawide Planning                      | \$ | 450,000    | \$ | 450,000    | 32471 |

|                                    |        | Agencies                |    |             |    |             |       |
|------------------------------------|--------|-------------------------|----|-------------|----|-------------|-------|
| 5BC0                               | 715692 | Administration          | \$ | 10,582,627  | \$ | 10,582,627  | 32472 |
| 5BC0                               | 715694 | Environmental Resource  | \$ | 170,000     | \$ | 170,000     | 32473 |
|                                    |        | Coordination            |    |             |    |             |       |
| 5BT0                               | 715679 | C&DD Groundwater        | \$ | 203,800     | \$ | 203,800     | 32474 |
|                                    |        | Monitoring              |    |             |    |             |       |
| 5CD0                               | 715682 | Clean Diesel School     | \$ | 475,000     | \$ | 475,000     | 32475 |
|                                    |        | Buses                   |    |             |    |             |       |
| 5H40                               | 715664 | Groundwater Support     | \$ | 128,212     | \$ | 223,212     | 32476 |
| 5Y30                               | 715685 | Surface Water           | \$ | 1,800,000   | \$ | 1,800,000   | 32477 |
|                                    |        | Improvement             |    |             |    |             |       |
| 6440                               | 715631 | Emergency Response      | \$ | 284,266     | \$ | 290,674     | 32478 |
|                                    |        | Radiological Safety     |    |             |    |             |       |
| 6600                               | 715629 | Infectious Waste        | \$ | 88,764      | \$ | 88,764      | 32479 |
|                                    |        | Management              |    |             |    |             |       |
| 6760                               | 715642 | Water Pollution         | \$ | 3,921,605   | \$ | 3,921,605   | 32480 |
|                                    |        | Control Loan            |    |             |    |             |       |
|                                    |        | Administration          |    |             |    |             |       |
| 6780                               | 715635 | Air Toxic Release       | \$ | 133,636     | \$ | 133,636     | 32481 |
| 6790                               | 715636 | Emergency Planning      | \$ | 2,623,252   | \$ | 2,623,252   | 32482 |
| 6960                               | 715643 | Air Pollution Control   | \$ | 1,100,000   | \$ | 1,125,000   | 32483 |
|                                    |        | Administration          |    |             |    |             |       |
| 6990                               | 715644 | Water Pollution         | \$ | 345,000     | \$ | 345,000     | 32484 |
|                                    |        | Control Administration  |    |             |    |             |       |
| 6A10                               | 715645 | Environmental           | \$ | 1,350,000   | \$ | 1,350,000   | 32485 |
|                                    |        | Education               |    |             |    |             |       |
| TOTAL                              | SSR    | State Special Revenue   | \$ | 131,755,659 | \$ | 135,299,122 | 32486 |
| Fund Group                         |        |                         |    |             |    |             |       |
| Clean Ohio Conservation Fund Group |        |                         |    |             |    |             | 32487 |
| 5S10                               | 715607 | Clean Ohio -            | \$ | 284,124     | \$ | 284,124     | 32488 |
|                                    |        | Operating               |    |             |    |             |       |
| TOTAL                              | CLF    | Clean Ohio Conservation | \$ | 284,124     | \$ | 284,124     | 32489 |
| Fund Group                         |        |                         |    |             |    |             |       |

|                                                                    |    |             |    |                        |       |
|--------------------------------------------------------------------|----|-------------|----|------------------------|-------|
| TOTAL ALL BUDGET FUND GROUPS                                       | \$ | 202,652,509 | \$ | <del>205,756,723</del> | 32490 |
|                                                                    |    |             |    | <u>198,256,723</u>     |       |
| AREAWIDE PLANNING AGENCIES                                         |    |             |    |                        | 32491 |
| The Director of Environmental Protection Agency may award          |    |             |    |                        | 32492 |
| grants from appropriation item 715687, Areawide Planning Agencies, |    |             |    |                        | 32493 |
| to areawide planning agencies engaged in areawide water quality    |    |             |    |                        | 32494 |
| management and planning activities in accordance with Section 208  |    |             |    |                        | 32495 |
| of the "Federal Clean Water Act," 33 U.S.C. 1288.                  |    |             |    |                        | 32496 |
| CASH TRANSFERS                                                     |    |             |    |                        | 32497 |
| On July 1, 2013, or as soon as possible thereafter, the            |    |             |    |                        | 32498 |
| Director of Budget and Management may transfer up to \$11,400,000  |    |             |    |                        | 32499 |
| cash from the Hazardous Waste Management Fund (Fund 5030) to the   |    |             |    |                        | 32500 |
| Hazardous Waste Cleanup Fund (Fund 5050) to support closure and    |    |             |    |                        | 32501 |
| corrective action programs that were transferred to the Division   |    |             |    |                        | 32502 |
| of Environmental Response and Revitalization.                      |    |             |    |                        | 32503 |
| On July 1, 2013, or as soon as possible thereafter, the            |    |             |    |                        | 32504 |
| Director of Environmental Protection shall certify to the Director |    |             |    |                        | 32505 |
| of Budget and Management the cash balance in the Dredge and Fill   |    |             |    |                        | 32506 |
| Fund (Fund 5N20). The Director of Budget and Management shall      |    |             |    |                        | 32507 |
| transfer the certified amount from Fund 5N20 to the Surface Water  |    |             |    |                        | 32508 |
| Protection Fund (Fund 4K40). Any existing encumbrances against     |    |             |    |                        | 32509 |
| appropriation item 715613, Dredge and Fill, shall be canceled and  |    |             |    |                        | 32510 |
| reestablished against appropriation item 715650, Surface Water     |    |             |    |                        | 32511 |
| Protection. The reestablished encumbrance amounts are hereby       |    |             |    |                        | 32512 |
| appropriated and Fund 5N20 is abolished.                           |    |             |    |                        | 32513 |
| <b>Sec. 282.10. FCC OHIO FACILITIES CONSTRUCTION COMMISSION</b>    |    |             |    |                        | 32514 |
| General Revenue Fund                                               |    |             |    |                        | 32515 |
| GRF 230401 Lease Rental Payments                                   | \$ | 33,106,400  | \$ | 29,854,500             | 32516 |
| - Cultural Facilities                                              |    |             |    |                        |       |
| GRF 230458 State Construction                                      | \$ | 2,495,751   | \$ | 2,245,751              | 32517 |

|                              |        |                                  |    |                        |    |                              |
|------------------------------|--------|----------------------------------|----|------------------------|----|------------------------------|
|                              |        | Management Services              |    |                        |    |                              |
| GRF                          | 230908 | Common Schools                   | \$ | <del>351,806,100</del> | \$ | <del>377,364,700</del> 32518 |
|                              |        | General Obligation               |    | <u>332,506,100</u>     |    | <u>358,364,700</u>           |
|                              |        | Debt Service                     |    |                        |    |                              |
| TOTAL GRF                    |        | General Revenue Fund             | \$ | <del>387,408,251</del> | \$ | <del>409,464,951</del> 32519 |
|                              |        |                                  |    | <u>368,108,251</u>     |    | <u>390,464,951</u>           |
|                              |        | General Services Fund Group      |    |                        |    | 32520                        |
| 1310                         | 230639 | State Construction               | \$ | 9,463,342              | \$ | 9,463,342 32521              |
|                              |        | Management Operations            |    |                        |    |                              |
| TOTAL GSF                    |        | General Services Fund            | \$ | 9,463,342              | \$ | 9,463,342 32522              |
|                              |        | Group                            |    |                        |    |                              |
|                              |        | State Special Revenue Fund Group |    |                        |    | 32523                        |
| 4T80                         | 230603 | Community Project                | \$ | 200,000                | \$ | 200,000 32524                |
|                              |        | Administration                   |    |                        |    |                              |
| 5E30                         | 230644 | Operating Expenses               | \$ | 8,550,000              | \$ | 8,550,000 32525              |
| TOTAL SSR                    |        | State Special Revenue            |    |                        |    | 32526                        |
|                              |        | Fund Group                       | \$ | 8,750,000              | \$ | 8,750,000 32527              |
| TOTAL ALL BUDGET FUND GROUPS |        |                                  | \$ | <del>405,621,593</del> | \$ | <del>427,678,293</del> 32528 |
|                              |        |                                  |    | <u>386,321,593</u>     |    | <u>408,678,293</u>           |

**Sec. 282.30. COMMUNITY PROJECT ADMINISTRATION** 32530

The foregoing appropriation item 230603, Community Project 32531  
Administration, shall be used by the Ohio Facilities Construction 32532  
Commission in administering Cultural and Sports Facilities 32533  
Building Fund (Fund 7030) projects pursuant to section 123.201 of 32534  
the Revised Code. 32535

TRANSFERS TO CULTURAL FACILITIES ADMINISTRATION FUND 32536

By the tenth day following each calendar quarter in each 32537  
fiscal year, or as soon as possible thereafter, the Director of 32538  
Budget and Management shall determine the amount of cash, if any, 32539  
to be transferred from the Cultural and Sports Facilities Building 32540  
Fund (Fund 7030) to the Cultural Facilities Administration Fund 32541



|                                                                           |                       |    |            |    |                      |       |
|---------------------------------------------------------------------------|-----------------------|----|------------|----|----------------------|-------|
| <u>(Fund 4T80).</u>                                                       |                       |    |            |    | 32542                |       |
| <u>As soon as possible after each bond issuance made on behalf</u>        |                       |    |            |    | 32543                |       |
| <u>of the Facilities Construction Commission, the Director of Budget</u>  |                       |    |            |    | 32544                |       |
| <u>and Management shall determine the amount of cash, if any, from</u>    |                       |    |            |    | 32545                |       |
| <u>the bond proceeds to be transferred, after all issuance costs have</u> |                       |    |            |    | 32546                |       |
| <u>been paid, from Fund 7030 to Fund 4T80.</u>                            |                       |    |            |    | 32547                |       |
| <br>                                                                      |                       |    |            |    |                      |       |
| <b>Sec. 285.10. DOH DEPARTMENT OF HEALTH</b>                              |                       |    |            |    | 32548                |       |
| <br>                                                                      |                       |    |            |    |                      |       |
| General Revenue Fund                                                      |                       |    |            |    | 32549                |       |
| GRF 440412                                                                | Cancer Incidence      | \$ | 600,000    | \$ | 600,000              | 32550 |
|                                                                           | Surveillance System   |    |            |    |                      |       |
| GRF 440413                                                                | Local Health          | \$ | 823,061    | \$ | 823,061              | 32551 |
|                                                                           | Departments           |    |            |    |                      |       |
| GRF 440416                                                                | Mothers and Children  | \$ | 4,428,015  | \$ | 4,428,015            | 32552 |
|                                                                           | Safety Net Services   |    |            |    |                      |       |
| GRF 440418                                                                | Immunizations         | \$ | 8,825,829  | \$ | 8,825,829            | 32553 |
| GRF 440431                                                                | Free Clinics Safety   | \$ | 437,326    | \$ | 437,326              | 32554 |
|                                                                           | Net Services          |    |            |    |                      |       |
| GRF 440438                                                                | Breast and Cervical   | \$ | 823,217    | \$ | 823,217              | 32555 |
|                                                                           | Cancer Screening      |    |            |    |                      |       |
| GRF 440444                                                                | AIDS Prevention and   | \$ | 5,842,315  | \$ | 5,842,315            | 32556 |
|                                                                           | Treatment             |    |            |    |                      |       |
| GRF 440451                                                                | Public Health         | \$ | 3,655,449  | \$ | <del>3,655,449</del> | 32557 |
|                                                                           | Laboratory            |    |            |    | <u>4,305,449</u>     |       |
| GRF 440452                                                                | Child and Family      | \$ | 630,444    | \$ | 630,444              | 32558 |
|                                                                           | Health Services Match |    |            |    |                      |       |
| GRF 440453                                                                | Health Care Quality   | \$ | 4,874,361  | \$ | 4,874,361            | 32559 |
|                                                                           | Assurance             |    |            |    |                      |       |
| GRF 440454                                                                | Environmental Health  | \$ | 1,194,634  | \$ | 1,194,634            | 32560 |
| GRF 440459                                                                | Help Me Grow          | \$ | 33,673,987 | \$ | 33,673,987           | 32561 |
| GRF 440465                                                                | Federally Qualified   | \$ | 2,686,688  | \$ | 2,686,688            | 32562 |
|                                                                           | Health Centers        |    |            |    |                      |       |

|                                              |                                             |    |            |    |                                            |       |
|----------------------------------------------|---------------------------------------------|----|------------|----|--------------------------------------------|-------|
| GRF 440467                                   | Access to Dental Care                       | \$ | 540,484    | \$ | 540,484                                    | 32563 |
| GRF 440468                                   | Chronic Disease and<br>Injury Prevention    | \$ | 2,447,251  | \$ | 2,447,251                                  | 32564 |
| GRF 440472                                   | Alcohol Testing                             | \$ | 1,100,000  | \$ | 1,100,000                                  | 32565 |
| GRF 440473                                   | Tobacco Prevention and<br>Cessation         | \$ | 1,050,000  | \$ | 1,050,000                                  | 32566 |
| GRF 440474                                   | Infant Vitality                             | \$ | 3,116,688  | \$ | 3,116,688                                  | 32567 |
| GRF 440505                                   | Medically Handicapped<br>Children           | \$ | 7,512,451  | \$ | 7,512,451                                  | 32568 |
| GRF 440507                                   | Targeted Health Care<br>Services Over 21    | \$ | 1,045,414  | \$ | 1,045,414                                  | 32569 |
| GRF 654453                                   | Medicaid - Health Care<br>Quality Assurance | \$ | 3,300,000  | \$ | 3,300,000                                  | 32570 |
| TOTAL GRF General Revenue Fund               |                                             | \$ | 88,607,614 | \$ | <del>88,607,614</del><br><u>89,257,614</u> | 32571 |
| State Highway Safety Fund Group              |                                             |    |            |    |                                            | 32572 |
| 4T40 440603                                  | Child Highway Safety                        | \$ | 233,894    | \$ | 233,894                                    | 32573 |
| TOTAL HSF State Highway Safety<br>Fund Group |                                             |    |            |    |                                            | 32574 |
|                                              |                                             | \$ | 233,894    | \$ | 233,894                                    | 32575 |
| General Services Fund Group                  |                                             |    |            |    |                                            | 32576 |
| 1420 440646                                  | Agency Health<br>Services                   | \$ | 820,998    | \$ | 820,998                                    | 32577 |
| 2110 440613                                  | Central Support<br>Indirect Costs           | \$ | 30,615,591 | \$ | <del>31,052,469</del><br><u>30,052,469</u> | 32578 |
| 4730 440622                                  | Lab Operating<br>Expenses                   | \$ | 5,000,000  | \$ | 5,000,000                                  | 32579 |
| 6980 440634                                  | Nurse Aide Training                         | \$ | 99,265     | \$ | 99,265                                     | 32580 |
| TOTAL GSF General Services<br>Fund Group     |                                             |    |            |    |                                            | 32581 |
|                                              |                                             | \$ | 36,535,854 | \$ | <del>36,972,732</del><br><u>35,972,732</u> | 32582 |
| Federal Special Revenue Fund Group           |                                             |    |            |    |                                            | 32583 |
| 3200 440601                                  | Maternal Child Health                       | \$ | 23,889,057 | \$ | 23,889,057                                 | 32584 |

|                                   |        |                                           |    |             |    |             |       |
|-----------------------------------|--------|-------------------------------------------|----|-------------|----|-------------|-------|
|                                   |        | Block Grant                               |    |             |    |             |       |
| 3870                              | 440602 | Preventive Health                         | \$ | 6,000,000   | \$ | 6,000,000   | 32585 |
|                                   |        | Block Grant                               |    |             |    |             |       |
| 3890                              | 440604 | Women, Infants, and<br>Children           | \$ | 250,000,000 | \$ | 250,000,000 | 32586 |
| 3910                              | 440606 | Medicare Survey and<br>Certification      | \$ | 19,449,282  | \$ | 19,961,405  | 32587 |
| 3920                              | 440618 | Federal Public Health<br>Programs         | \$ | 134,546,304 | \$ | 135,140,586 | 32588 |
| 3GD0                              | 654601 | Medicaid Program<br>Support               | \$ | 21,126,014  | \$ | 22,392,094  | 32589 |
| TOTAL FED Federal Special Revenue |        |                                           |    |             |    |             | 32590 |
| Fund Group                        |        |                                           | \$ | 455,010,657 | \$ | 457,383,142 | 32591 |
| State Special Revenue Fund Group  |        |                                           |    |             |    |             | 32592 |
| 4700                              | 440647 | Fee Supported<br>Programs                 | \$ | 25,305,250  | \$ | 25,613,586  | 32593 |
| 4710                              | 440619 | Certificate of Need                       | \$ | 878,433     | \$ | 878,433     | 32594 |
| 4770                              | 440627 | Medically Handicapped<br>Children Audit   | \$ | 3,692,703   | \$ | 3,692,703   | 32595 |
| 4D60                              | 440608 | Genetics Services                         | \$ | 3,311,039   | \$ | 3,311,039   | 32596 |
| 4F90                              | 440610 | Sickle Cell Disease<br>Control            | \$ | 1,032,824   | \$ | 1,032,824   | 32597 |
| 4G00                              | 440636 | Heirloom Birth<br>Certificate             | \$ | 5,000       | \$ | 5,000       | 32598 |
| 4G00                              | 440637 | Birth Certificate<br>Surcharge            | \$ | 5,000       | \$ | 5,000       | 32599 |
| 4L30                              | 440609 | HIV Care and<br>Miscellaneous<br>Expenses | \$ | 8,333,164   | \$ | 8,333,164   | 32600 |
| 4P40                              | 440628 | Ohio Physician Loan<br>Repayment          | \$ | 476,870     | \$ | 476,870     | 32601 |
| 4V60                              | 440641 | Save Our Sight                            | \$ | 2,255,789   | \$ | 2,255,789   | 32602 |
| 5B50                              | 440616 | Quality, Monitoring,                      | \$ | 878,997     | \$ | 878,997     | 32603 |

|                                                |               |                            |           |             |           |                        |
|------------------------------------------------|---------------|----------------------------|-----------|-------------|-----------|------------------------|
|                                                |               | and Inspection             |           |             |           |                        |
| 5CN0                                           | 440645        | Choose Life                | \$        | 75,000      | \$        | 75,000                 |
| 5D60                                           | 440620        | Second Chance Trust        | \$        | 1,151,902   | \$        | 1,151,902              |
| 5ED0                                           | 440651        | Smoke Free Indoor Air      | \$        | 250,000     | \$        | 250,000                |
| 5G40                                           | 440639        | Adoption Services          | \$        | 20,000      | \$        | 20,000                 |
| <u>5PE0</u>                                    | <u>440659</u> | <u>Breast and Cervical</u> | <u>\$</u> | <u>0</u>    | <u>\$</u> | <u>100,000</u>         |
|                                                |               | <u>Cancer Services</u>     |           |             |           |                        |
| 5Z70                                           | 440624        | Ohio Dentist Loan          | \$        | 140,000     | \$        | 140,000                |
|                                                |               | Repayment                  |           |             |           |                        |
| 6100                                           | 440626        | Radiation Emergency        | \$        | 1,049,954   | \$        | 1,086,098              |
|                                                |               | Response                   |           |             |           |                        |
| 6660                                           | 440607        | Medically Handicapped      | \$        | 19,739,617  | \$        | 19,739,617             |
|                                                |               | Children - County          |           |             |           |                        |
|                                                |               | Assessments                |           |             |           |                        |
| TOTAL SSR State Special Revenue                |               |                            |           |             |           | 32612                  |
| Fund Group                                     |               |                            | \$        | 68,601,542  | \$        | <del>68,946,022</del>  |
|                                                |               |                            |           |             |           | <u>69,046,022</u>      |
| Holding Account Redistribution Fund Group      |               |                            |           |             |           | 32614                  |
| R014                                           | 440631        | Vital Statistics           | \$        | 44,986      | \$        | 44,986                 |
| R048                                           | 440625        | Refunds, Grants            | \$        | 20,000      | \$        | 20,000                 |
|                                                |               | Reconciliation, and        |           |             |           |                        |
|                                                |               | Audit Settlements          |           |             |           |                        |
| TOTAL 090 Holding Account                      |               |                            |           |             |           | 32617                  |
| Redistribution Fund Group                      |               |                            | \$        | 64,986      | \$        | 64,986                 |
| Tobacco Master Settlement Agreement Fund Group |               |                            |           |             |           | 32619                  |
| 5BX0                                           | 440656        | Tobacco Use                | \$        | 1,450,000   | \$        | <del>1,450,000</del>   |
|                                                |               | Prevention                 |           |             |           | <u>6,350,000</u>       |
| TOTAL TSF Tobacco Master Settlement            |               |                            | \$        | 1,450,000   | \$        | <del>1,450,000</del>   |
| Agreement Fund Group                           |               |                            |           |             |           | <u>6,350,000</u>       |
| TOTAL ALL BUDGET FUND GROUPS                   |               |                            | \$        | 650,504,547 | \$        | <del>653,658,390</del> |
|                                                |               |                            |           |             |           | <u>658,308,390</u>     |

Of the foregoing appropriation item 440416, Mothers and 32625  
Children Safety Net Services, \$200,000 in each fiscal year shall 32626  
be used to assist families with hearing impaired children under 32627  
twenty-one years of age in purchasing hearing aids. The Director 32628  
of Health shall adopt rules governing the distribution of these 32629  
funds, including rules that do both of the following: (1) 32630  
establish eligibility criteria to include families with incomes at 32631  
or below four hundred per cent of the federal poverty guidelines 32632  
as defined in section 5101.46 of the Revised Code, and (2) develop 32633  
a sliding scale of disbursements under this section based on 32634  
family income. The Director may adopt other rules as necessary to 32635  
implement this section. Rules adopted under this section shall be 32636  
adopted in accordance with Chapter 119. of the Revised Code. 32637

The Department shall disburse all of the funds appropriated 32638  
under this section. 32639

HIV/AIDS PREVENTION/TREATMENT 32640

The foregoing appropriation item 440444, AIDS Prevention and 32641  
Treatment, shall be used to assist persons with HIV/AIDS in 32642  
acquiring HIV-related medications and to administer educational 32643  
prevention initiatives. 32644

PUBLIC HEALTH LABORATORY 32645

A portion of the foregoing appropriation item 440451, Public 32646  
Health Laboratory, shall be used for coordination and management 32647  
of prevention program operations and the purchase of drugs for 32648  
sexually transmitted diseases. 32649

HELP ME GROW 32650

The foregoing appropriation item 440459, Help Me Grow, shall 32651  
be used by the Department of Health to implement the Help Me Grow 32652  
Program. Funds shall be distributed to counties through 32653  
agreements, contracts, grants, or subsidies in accordance with 32654  
section 3701.61 of the Revised Code. Appropriation item 440459, 32655

Help Me Grow, may be used in conjunction with other early 32656  
childhood funds and services to promote the optimal development of 32657  
young children and family-centered programs and services that 32658  
acknowledge and support the social, emotional, cognitive, 32659  
intellectual, and physical development of children and the vital 32660  
role of families in ensuring the well-being and success of 32661  
children. The Department of Health shall enter into interagency 32662  
agreements with the Department of Education, Department of 32663  
Developmental Disabilities, Department of Job and Family Services, 32664  
and Department of Mental Health and Addiction Services to ensure 32665  
that all early childhood programs and initiatives are coordinated 32666  
and school linked. 32667

The foregoing appropriation item 440459, Help Me Grow, may 32668  
also be used for the Developmental Autism and Screening Program. 32669

INFANT VITALITY 32670

The foregoing appropriation item 440474, Infant Vitality, 32671  
shall be used to fund the following projects, which are hereby 32672  
created: 32673

(A) The Infant Safe Sleep Campaign to educate parents and 32674  
caregivers with a uniform message regarding safe sleep 32675  
environments; 32676

(B) The Progesterone Prematurity Prevention Project to enable 32677  
prenatal care providers to identify, screen, treat, and track 32678  
outcomes for women eligible for progesterone supplementation; and 32679

(C) The Prenatal Smoking Cessation Project to enable prenatal 32680  
care providers who work with women of reproductive age, including 32681  
pregnant women, to have the tools, training, and technical 32682  
assistance needed to treat smokers effectively. 32683

CENTERINGPREGNANCY PILOT PROGRAM 32684

On July 1, 2014, or as soon as possible thereafter, the 32685

Director of Budget and Management shall transfer \$1,600,000 cash 32686  
from the unallocated and unencumbered portion of the Health Care 32687  
Grants-Federal Fund (Fund 3FA0) used by the Department of Medicaid 32688  
to the Prenatal Group Health Care Pilot Program Fund used by the 32689  
Department of Health, which is hereby created. The transferred 32690  
moneys are hereby appropriated. 32691

The transferred moneys shall be used to implement the 32692  
CenteringPregnancy model of care and the University of Cincinnati 32693  
Social Determinants Program developed by the Centering Healthcare 32694  
Institute and the University of Cincinnati Division of Community 32695  
Women's Health in a three-year pilot program at four federally 32696  
qualified health centers. Each federally qualified health center 32697  
or look-alike selected by the Director of Health to operate the 32698  
pilot program shall receive \$200,000. The Ohio Association of 32699  
Community Health Centers shall receive \$100,000 and the University 32700  
of Cincinnati Social Determinants Program Division of Community 32701  
Women's Health shall receive \$600,000. The Department of Health 32702  
shall retain \$100,000 to implement the program. 32703

TARGETED HEALTH CARE SERVICES OVER 21 32704

The foregoing appropriation item 440507, Targeted Health Care 32705  
Services Over 21, shall be used to administer the Cystic Fibrosis 32706  
Program and to implement the Hemophilia Insurance Premium Payment 32707  
Program. 32708

The foregoing appropriation item 440507, Targeted Health Care 32709  
Services Over 21, shall also be used to provide essential 32710  
medications and to pay the copayments for drugs approved by the 32711  
Department of Health and covered by Medicare Part D that are 32712  
dispensed to Bureau for Children with Medical Handicaps (BCMH) 32713  
participants for the Cystic Fibrosis Program. 32714

The Department shall expend all of these funds. 32715

CASH TRANSFERS TO THE MEDICAID FUND 32716

On July 1, 2013, or as soon as possible thereafter, the 32717  
Director of Health shall certify to the Director of Budget and 32718  
Management the cash balance relating to Medicaid restructuring in 32719  
the following funds, all used by the Department of Health: the 32720  
General Operations Fund (Fund 4700); the General Operations Fund 32721  
(Fund 1420); the General Operations Fund (Fund 3920); and the 32722  
Medicaid/Medicare Fund (Fund 3910). Upon receiving this 32723  
certification, the Director of Budget and Management may transfer 32724  
the amount certified to the Medicaid Fund (Fund 3GD0), used by the 32725  
Department of Health. If this transfer occurs, the Director of 32726  
Budget and Management shall cancel any existing encumbrances 32727  
pertaining to Medicaid in appropriation items 440647, Fee 32728  
Supported Programs, 440646, Agency Health Services, 440618, 32729  
Federal Public Health Programs, and 440606, Medicare Survey and 32730  
Certification, and reestablish them against appropriation item 32731  
654601, Medicaid Program Support. The reestablished encumbrance 32732  
amounts are hereby appropriated. 32733

GENETICS SERVICES 32734

The foregoing appropriation item 440608, Genetics Services 32735  
(Fund 4D60), shall be used by the Department of Health to 32736  
administer programs authorized by sections 3701.501 and 3701.502 32737  
of the Revised Code. None of these funds shall be used to counsel 32738  
or refer for abortion, except in the case of a medical emergency. 32739

MEDICALLY HANDICAPPED CHILDREN AUDIT 32740

The Medically Handicapped Children Audit Fund (Fund 4770) 32741  
shall receive revenue from audits of hospitals and recoveries from 32742  
third-party payers. Moneys may be expended for payment of audit 32743  
settlements and for costs directly related to obtaining recoveries 32744  
from third-party payers and for encouraging Medically Handicapped 32745  
Children's Program recipients to apply for third-party benefits. 32746  
Moneys also may be expended for payments for diagnostic and 32747  
treatment services on behalf of medically handicapped children, as 32748



defined in division (A) of section 3701.022 of the Revised Code, 32749  
and Ohio residents who are twenty-one or more years of age and who 32750  
are suffering from cystic fibrosis or hemophilia. Moneys may also 32751  
be expended for administrative expenses incurred in operating the 32752  
Medically Handicapped Children's Program. 32753

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 32754

The foregoing appropriation item 440607, Medically 32755  
Handicapped Children - County Assessments (Fund 6660), shall be 32756  
used to make payments under division (E) of section 3701.023 of 32757  
the Revised Code. 32758

CASH TRANSFER FROM THE PUBLIC HEALTH PRIORITIES TRUST FUND TO 32759  
THE TOBACCO USE PREVENTION FUND 32760

On July 1, 2013, or as soon as possible thereafter, the 32761  
Director of Budget and Management shall transfer \$2,439,230 cash 32762  
from the Public Health Priorities Trust Fund (Fund L087) to the 32763  
Tobacco Use Prevention Fund (Fund 5BX0) to meet the operating 32764  
needs of the Department of Health's tobacco enforcement and 32765  
cessation efforts. 32766

CASH TRANSFER FROM THE PRE-SECURITIZATION TOBACCO PAYMENTS 32767  
FUND TO THE TOBACCO USE PREVENTION FUND 32768

Notwithstanding Section 512.20 of Am. Sub. H.B. 487 of the 32769  
129th General Assembly, on July 1, 2014, or as soon as possible 32770  
thereafter, the Director of Budget and Management may transfer 32771  
cash determined to be in excess of the tobacco enforcement needs 32772  
of the Attorney General from the Pre-Securitization Tobacco 32773  
Payments Fund (Fund 5LS0) to the Tobacco Use Prevention Fund (Fund 32774  
5BX0). 32775

**Sec. 301.10.** JFS DEPARTMENT OF JOB AND FAMILY SERVICES 32776

General Revenue Fund 32777

GRF 600321 Program Support \$ 31,320,964 \$ 31,109,751 32778

|            |                                                                |    |             |    |                                            |       |
|------------|----------------------------------------------------------------|----|-------------|----|--------------------------------------------|-------|
| GRF 600410 | TANF State/Maintenance<br>of Effort                            | \$ | 152,386,934 | \$ | 152,386,934                                | 32779 |
| GRF 600413 | Child Care<br>State/Maintenance of<br>Effort                   | \$ | 84,732,730  | \$ | 84,732,730                                 | 32780 |
| GRF 600416 | Information Technology<br>Projects                             | \$ | 54,223,871  | \$ | 54,184,700                                 | 32781 |
| GRF 600420 | Child Support Programs                                         | \$ | 6,498,667   | \$ | 6,591,048                                  | 32782 |
| GRF 600421 | Family Assistance<br>Programs                                  | \$ | 3,161,930   | \$ | 3,161,930                                  | 32783 |
| GRF 600423 | Families and Children<br>Programs                              | \$ | 6,384,514   | \$ | 6,542,517                                  | 32784 |
| GRF 600502 | Child Support - Local                                          | \$ | 23,814,103  | \$ | 23,814,103                                 | 32785 |
| GRF 600511 | Disability Financial<br>Assistance                             | \$ | 22,000,000  | \$ | 22,000,000                                 | 32786 |
| GRF 600521 | Family Assistance -<br>Local                                   | \$ | 41,132,751  | \$ | 41,132,751                                 | 32787 |
| GRF 600523 | Family and Children<br>Services                                | \$ | 54,255,323  | \$ | <del>54,255,323</del><br><u>57,455,323</u> | 32788 |
| GRF 600528 | Adoption Services                                              |    |             |    |                                            | 32789 |
|            | State                                                          | \$ | 28,623,389  | \$ | 28,623,389                                 | 32790 |
|            | Federal                                                        | \$ | 38,202,557  | \$ | 38,202,557                                 | 32791 |
|            | Adoption Services Total                                        | \$ | 66,825,946  | \$ | 66,825,946                                 | 32792 |
| GRF 600533 | Child, Family, and<br>Adult Community &<br>Protective Services | \$ | 13,500,000  | \$ | 13,500,000                                 | 32793 |
| GRF 600534 | Adult Protective<br>Services                                   | \$ | 500,000     | \$ | 500,000                                    | 32794 |
| GRF 600535 | Early Care and<br>Education                                    | \$ | 123,596,474 | \$ | 123,596,474                                | 32795 |
| GRF 600540 | Food Banks                                                     | \$ | 6,000,000   | \$ | 6,000,000                                  | 32796 |
| GRF 600541 | Kinship Permanency<br>Incentive Program                        | \$ | 3,500,000   | \$ | 3,500,000                                  | 32797 |

|                                    |                       |    |             |    |                        |       |
|------------------------------------|-----------------------|----|-------------|----|------------------------|-------|
| GRF 655522                         | Medicaid Program      | \$ | 38,267,970  | \$ | 38,267,970             | 32798 |
|                                    | Support - Local       |    |             |    |                        |       |
| GRF 655523                         | Medicaid Program      | \$ | 30,680,495  | \$ | 30,680,495             | 32799 |
|                                    | Support - Local       |    |             |    |                        |       |
|                                    | Transportation        |    |             |    |                        |       |
| TOTAL GRF General Revenue Fund     |                       |    |             |    |                        | 32800 |
|                                    | State                 | \$ | 724,580,115 | \$ | <del>724,580,115</del> | 32801 |
|                                    |                       |    |             |    | <u>727,780,115</u>     |       |
|                                    | Federal               | \$ | 38,202,557  | \$ | 38,202,557             | 32802 |
|                                    | GRF Total             | \$ | 762,782,672 | \$ | <del>762,782,672</del> | 32803 |
|                                    |                       |    |             |    | <u>765,982,672</u>     |       |
| General Services Fund Group        |                       |    |             |    |                        | 32804 |
| 4A80 600658                        | Public Assistance     | \$ | 34,000,000  | \$ | 34,000,000             | 32805 |
|                                    | Activities            |    |             |    |                        |       |
| 5DM0 600633                        | Administration &      | \$ | 19,660,339  | \$ | 19,660,339             | 32806 |
|                                    | Operating             |    |             |    |                        |       |
| 5HC0 600695                        | Unemployment          | \$ | 60,000,000  | \$ | 60,000,000             | 32807 |
|                                    | Compensation Interest |    |             |    |                        |       |
| 5HL0 600602                        | State and County      | \$ | 3,020,000   | \$ | 3,020,000              | 32808 |
|                                    | Shared Services       |    |             |    |                        |       |
| TOTAL GSF General Services         |                       |    |             |    |                        | 32809 |
| Fund Group                         |                       | \$ | 124,780,339 | \$ | 116,773,328            | 32810 |
| Federal Special Revenue Fund Group |                       |    |             |    |                        | 32811 |
| 3270 600606                        | Child Welfare         | \$ | 29,769,866  | \$ | 29,769,866             | 32812 |
| 3310 600615                        | Veterans Programs     | \$ | 8,000,000   | \$ | 8,000,000              | 32813 |
| 3310 600624                        | Employment Services   | \$ | 26,000,000  | \$ | 26,000,000             | 32814 |
|                                    | Programs              |    |             |    |                        |       |
| 3310 600686                        | Workforce Programs    | \$ | 6,260,000   | \$ | 6,260,000              | 32815 |
| 3840 600610                        | Food Assistance       | \$ | 209,333,246 | \$ | 180,381,394            | 32816 |
|                                    | Programs              |    |             |    |                        |       |
| 3850 600614                        | Refugee Services      | \$ | 12,564,952  | \$ | 12,564,952             | 32817 |
| 3950 600616                        | Federal Discretionary | \$ | 2,259,264   | \$ | 2,259,264              | 32818 |

|                       |        |                         |    |               |    |                            |
|-----------------------|--------|-------------------------|----|---------------|----|----------------------------|
|                       |        | Grants                  |    |               |    |                            |
| 3960                  | 600620 | Social Services Block   | \$ | 47,000,000    | \$ | 47,000,000 32819           |
|                       |        | Grant                   |    |               |    |                            |
| 3970                  | 600626 | Child Support -         | \$ | 235,000,000   | \$ | 235,000,000 32820          |
|                       |        | Federal                 |    |               |    |                            |
| 3980                  | 600627 | Adoption Program -      | \$ | 174,178,779   | \$ | 174,178,779 32821          |
|                       |        | Federal                 |    |               |    |                            |
| 3A20                  | 600641 | Emergency Food          | \$ | 5,000,000     | \$ | 5,000,000 32822            |
|                       |        | Distribution            |    |               |    |                            |
| 3D30                  | 600648 | Children's Trust Fund   | \$ | 3,477,699     | \$ | 3,477,699 32823            |
|                       |        | Federal                 |    |               |    |                            |
| 3F01                  | 655624 | Medicaid Program        | \$ | 110,680,495   | \$ | 110,680,495 32824          |
|                       |        | Support                 |    |               |    |                            |
| 3H70                  | 600617 | Child Care Federal      | \$ | 241,987,805   | \$ | 222,212,089 32825          |
| 3N00                  | 600628 | Foster Care Program -   | \$ | 311,968,616   | \$ | 311,968,616 32826          |
|                       |        | Federal                 |    |               |    |                            |
| 3S50                  | 600622 | Child Support Projects  | \$ | 534,050       | \$ | 534,050 32827              |
| 3V00                  | 600688 | Workforce Investment    | \$ | 136,000,000   | \$ | 136,000,000 32828          |
|                       |        | Act Programs            |    |               |    |                            |
| 3V40                  | 600678 | Federal Unemployment    | \$ | 182,814,212   | \$ | 182,814,212 32829          |
|                       |        | Programs                |    |               |    |                            |
| 3V40                  | 600679 | UC Review Commission -  | \$ | 6,185,788     | \$ | 6,185,788 32830            |
|                       |        | Federal                 |    |               |    |                            |
| 3V60                  | 600689 | TANF Block Grant        | \$ | 777,957,809   | \$ | 790,304,845 32831          |
| TOTAL FED             |        | Federal Special Revenue |    |               |    | 32832                      |
| Fund Group            |        |                         | \$ | 2,526,972,581 | \$ | 2,490,592,049 32833        |
| State Special Revenue |        | Fund Group              |    |               |    | 32834                      |
| 1980                  | 600647 | Children's Trust Fund   | \$ | 5,873,848     | \$ | 5,873,848 32835            |
| 4A90                  | 600607 | Unemployment            | \$ | 9,006,000     | \$ | <del>9,006,000</del> 32836 |
|                       |        | Compensation            |    |               |    | <u>12,506,000</u>          |
|                       |        | Administration Fund     |    |               |    |                            |
| 4E70                  | 600604 | Family and Children     | \$ | 400,000       | \$ | 400,000 32837              |
|                       |        | Services Collections    |    |               |    |                            |

|                                                        |        |                                                         |    |               |    |                                            |       |
|--------------------------------------------------------|--------|---------------------------------------------------------|----|---------------|----|--------------------------------------------|-------|
| 4F10                                                   | 600609 | Family and Children<br>Activities                       | \$ | 683,549       | \$ | 683,549                                    | 32838 |
| 5DB0                                                   | 600637 | Military Injury Relief<br>Subsidies                     | \$ | 2,000,000     | \$ | 2,000,000                                  | 32839 |
| 5DP0                                                   | 600634 | Adoption Assistance<br>Loan                             | \$ | 500,000       | \$ | 500,000                                    | 32840 |
| 5ES0                                                   | 600630 | Food Bank Assistance                                    | \$ | 500,000       | \$ | 500,000                                    | 32841 |
| 5KU0                                                   | 600611 | Unemployment<br>Compensation Support -<br>Other Sources | \$ | 2,000,000     | \$ | 2,000,000                                  | 32842 |
| 5NG0                                                   | 600660 | Victims of Human<br>Trafficking                         | \$ | 100,000       | \$ | 100,000                                    | 32843 |
| 5U60                                                   | 600663 | Family and Children<br>Support                          | \$ | 4,000,000     | \$ | 4,000,000                                  | 32844 |
| TOTAL SSR State Special Revenue                        |        |                                                         |    |               |    |                                            | 32845 |
| Fund Group                                             |        |                                                         | \$ | 25,063,397    | \$ | <del>25,063,397</del><br><u>28,563,397</u> | 32846 |
| Agency Fund Group                                      |        |                                                         |    |               |    |                                            | 32847 |
| 1920                                                   | 600646 | Child Support<br>Intercept - Federal                    | \$ | 129,250,000   | \$ | 129,250,000                                | 32848 |
| 5830                                                   | 600642 | Child Support<br>Intercept - State                      | \$ | 14,000,000    | \$ | 14,000,000                                 | 32849 |
| 5B60                                                   | 600601 | Food Assistance<br>Intercept                            | \$ | 1,000,000     | \$ | 1,000,000                                  | 32850 |
| TOTAL AGY Agency Fund Group                            |        |                                                         |    |               |    |                                            | 32851 |
| Holding Account Redistribution Fund Group              |        |                                                         |    |               |    |                                            | 32852 |
| R012                                                   | 600643 | Refunds and Audit<br>Settlements                        | \$ | 2,200,000     | \$ | 2,200,000                                  | 32853 |
| R013                                                   | 600644 | Forgery Collections                                     | \$ | 10,000        | \$ | 10,000                                     | 32854 |
| TOTAL 090 Holding Account<br>Redistribution Fund Group |        |                                                         |    |               |    |                                            | 32855 |
| TOTAL ALL BUDGET FUND GROUPS                           |        |                                                         |    |               |    |                                            | 32856 |
|                                                        |        |                                                         | \$ | 3,586,058,989 | \$ | <del>3,541,671,446</del>                   |       |

3,548,371,446

**Sec. 301.33. BIG BROTHERS BIG SISTERS** 32858

Of the foregoing appropriation item 600410, TANF 32859  
State/Maintenance of Effort, \$1,000,000 in each fiscal year shall 32860  
be provided, in accordance with sections 5101.80 and 5101.801 of 32861  
the Revised Code, to Big Brothers Big Sisters of Central Ohio to 32862  
provide mentoring services to children of incarcerated parents 32863  
throughout the state. Upon the request of the Director of Job and 32864  
Family Services, the Director of Budget and Management may 32865  
transfer any amount of this earmark that remains unspent at the 32866  
end of fiscal year 2014 to fiscal year 2015. Any amount 32867  
transferred is hereby reappropriated to appropriation item 600410, 32868  
TANF State/Maintenance of Effort, for the same purpose in fiscal 32869  
year 2015. 32870

**Sec. 301.40. COUNTY ADMINISTRATIVE FUNDS** 32871

(A) The foregoing appropriation item 600521, Family 32872  
Assistance - Local, may be provided to county departments of job 32873  
and family services to administer food assistance and disability 32874  
assistance programs. 32875

(B) The foregoing appropriation item 655522, Medicaid Program 32876  
Support - Local, may be provided to county departments of job and 32877  
family services to administer the Medicaid program and the State 32878  
Children's Health Insurance program. 32879

(C) At the request of the Director of Job and Family 32880  
Services, the Director of Budget and Management may transfer 32881  
appropriations between appropriation item 600521, Family 32882  
Assistance - Local, and appropriation item 655522, Medicaid 32883  
Program Support - Local, in order to ensure county administrative 32884  
funds are expended from the proper appropriation item. 32885

(D) If receipts credited to the Medicaid Program Support Fund 32886

(Fund 3F01) and the Supplemental Nutrition Assistance Program Fund 32887  
(Fund 3840) exceed the amounts appropriated, the Director of Job 32888  
and Family Services shall request the Director of Budget and 32889  
Management to authorize expenditures from those funds in excess of 32890  
the amounts appropriated. Upon approval of the Director of Budget 32891  
and Management, the additional amounts are hereby appropriated. 32892

**Sec. 301.143. CHILDREN'S CRISIS CARE FACILITIES** 32893

Of the foregoing appropriation item 600523, Family and 32894  
Children Services, \$150,000 in each fiscal year shall be provided 32895  
to children's crisis care facilities, as defined in section 32896  
5103.13 of the Revised Code. The Director of Job and Family 32897  
Services shall allocate funds based on the number of children at 32898  
each facility. A children's crisis care facility may decline to 32899  
receive funds provided for under this section. A children's crisis 32900  
care facility that accepts funds provided under this section shall 32901  
use the funds in accordance with section 5103.13 of the Revised 32902  
Code and rules in section 5101:2-9-36 of the Administrative Code. 32903

STATE CHILD PROTECTION ALLOCATION 32904

Of the foregoing appropriation item 600523, Family and 32905  
Children Services, up to \$3,200,000 shall be used to match 32906  
eligible federal Title IV-B ESSA funds and federal Title IV-E 32907  
Chafee funds allocated to public children services agencies. 32908

(A) The Ohio Department of Job and Family Services shall 32909  
implement and oversee use of a Child Placement Level of Care Tool 32910  
on a pilot basis. The Department shall implement the pilot program 32911  
in up to ten counties selected by the Department and shall include 32912  
the county and at least one private child placing agency or 32913  
private noncustodial agency. The pilot program shall be developed 32914  
with the participating counties and agencies and must be 32915  
acceptable to all participants. A selected county or agency must 32916  
agree to participate in the pilot program. 32917

(B) The pilot program shall begin not later than one hundred 32918  
eighty days after the effective date of this section and end not 32919  
later than eighteen months after the date the pilot program 32920  
begins. The length of the pilot program shall not include any time 32921  
expended in preparation for implementation or any post-pilot 32922  
program evaluation activity. 32923

(C)(1) In accordance with sections 125.01 to 125.11 of the 32924  
Revised Code, the Ohio Department of Job and Family Services shall 32925  
provide for an independent evaluation of the pilot program to rate 32926  
the program's success in the following areas: 32927

(a) Placement stability, length of stay, and other outcomes 32928  
for children; 32929

(b) Cost; 32930

(c) Worker satisfaction; 32931

(d) Any other criteria the Department determines will be 32932  
useful in the consideration of statewide implementation. 32933

(2) The evaluation design shall include: 32934

(a) A comparison of data to historical outcomes or control 32935  
counties; 32936

(b) A prospective data evaluation in each of the pilot 32937  
counties. 32938

(D) The Ohio Department of Job and Family Services may adopt 32939  
rules in accordance with Chapter 119. of the Revised Code as 32940  
necessary to carry out the purposes of this section. The 32941  
Department shall seek maximum federal financial participation to 32942  
support the pilot program and the evaluation. 32943

(E) Notwithstanding division (E) of section 5101.141 of the 32944  
Revised Code, the Department of Job and Family Services shall seek 32945  
state funding to implement the Child Placement Level of Care Tool 32946  
pilot program described in this section and to contract for the 32947



independent evaluation of the pilot program. 32948

(F) As used in this section, "Child Placement Level of Care Tool" means an assessment tool to be used by participating counties and agencies to assess a child's placement needs when a child must be removed from the child's own home and cannot be placed with a relative or kin not certified as a foster caregiver that includes assessing a child's functioning, needs, strengths, risk behaviors, and exposure to traumatic experiences. 32949  
32950  
32951  
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32955

**Sec. 327.10.** MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES 32956  
32957

General Revenue Fund 32958

GRF 333321 Central \$ 13,495,337 \$ 13,486,290 32959

Administration

GRF 333402 Resident Trainees \$ 450,000 \$ 450,000 32960

GRF 333415 Lease-Rental Payments \$ ~~15,843,300~~ \$ 16,076,700 32961

14,743,300

GRF 333416 Research Program \$ 321,998 \$ 321,998 32962

Evaluation

GRF 334412 Hospital Services \$ 190,514,437 \$ 190,514,437 32963

GRF 334506 Court Costs \$ 784,210 \$ 784,210 32964

GRF 335405 Family & Children \$ 1,386,000 \$ 1,386,000 32965

First

GRF 335406 Prevention and \$ 868,659 \$ 868,659 32966

Wellness

GRF 335421 Continuum of Care \$ 77,733,742 \$ 77,633,742 32967

Services

GRF 335422 Criminal Justice \$ 4,917,898 \$ 4,917,898 32968

Services

GRF 335504 Community Innovations \$ 6,500,000 \$ 1,500,000 32969

GRF 335506 Residential State \$ 7,502,875 \$ 7,502,875 32970

Supplement

|                                    |        |                                              |    |                        |    |                                              |       |
|------------------------------------|--------|----------------------------------------------|----|------------------------|----|----------------------------------------------|-------|
| GRF                                | 335507 | Community Behavioral Health                  | \$ | 47,500,000             | \$ | 47,500,000                                   | 32971 |
| GRF                                | 652507 | Medicaid Support                             | \$ | 1,727,553              | \$ | 1,736,600                                    | 32972 |
| TOTAL GRF                          |        | General Revenue Fund                         | \$ | <del>369,546,009</del> | \$ | 364,679,409                                  | 32973 |
|                                    |        |                                              |    | <u>368,446,009</u>     |    |                                              |       |
| General Services Fund Group        |        |                                              |    |                        |    |                                              | 32974 |
| 1490                               | 333609 | Central Office Operating                     | \$ | 1,343,190              | \$ | 1,343,190                                    | 32975 |
| 5T90                               | 333641 | Problem Gambling Services - Administration   | \$ | 60,000                 | \$ | 60,000                                       | 32976 |
| 1490                               | 334609 | Hospital - Operating Expenses                | \$ | 28,190,000             | \$ | <del>28,190,000</del><br><u>30,190,000</u>   | 32977 |
| 1500                               | 334620 | Special Education                            | \$ | 150,000                | \$ | 150,000                                      | 32978 |
| 4P90                               | 335604 | Community Mental Health Projects             | \$ | 250,000                | \$ | 250,000                                      | 32979 |
| 5T90                               | 335641 | Problem Gambling Services                    | \$ | 275,000                | \$ | 275,000                                      | 32980 |
| 1510                               | 336601 | Office of Support Services                   | \$ | 115,000,000            | \$ | <del>115,000,000</del><br><u>90,000,000</u>  | 32981 |
| TOTAL GSF                          |        | General Services Fund Group                  | \$ | 145,268,190            | \$ | <del>145,268,190</del><br><u>122,268,190</u> | 32982 |
| Federal Special Revenue Fund Group |        |                                              |    |                        |    |                                              | 32983 |
| 3240                               | 333605 | Medicaid/Medicare - Refunds                  | \$ | 154,500                | \$ | 154,500                                      | 32984 |
| 3A60                               | 333608 | Federal Miscellaneous - Administration       | \$ | 140,000                | \$ | 140,000                                      | 32985 |
| 3A70                               | 333612 | Social Services Block Grant - Administration | \$ | 50,000                 | \$ | 50,000                                       | 32986 |
| 3A80                               | 333613 | Federal Grants - Administration              | \$ | 4,717,000              | \$ | 4,717,000                                    | 32987 |

|      |        |                                                             |    |            |    |                                           |       |
|------|--------|-------------------------------------------------------------|----|------------|----|-------------------------------------------|-------|
| 3A90 | 333614 | Mental Health Block<br>Grant -<br>Administration            | \$ | 748,470    | \$ | 748,470                                   | 32988 |
| 3G40 | 333618 | Substance Abuse Block<br>Grant- Administration              | \$ | 3,307,789  | \$ | 3,307,789                                 | 32989 |
| 3H80 | 333606 | Demonstration Grants<br>- Administration                    | \$ | 3,237,574  | \$ | <del>3,237,574</del><br><u>6,000,000</u>  | 32990 |
| 3N80 | 333639 | Administrative<br>Reimbursement                             | \$ | 300,000    | \$ | 300,000                                   | 32991 |
| 3240 | 334605 | Medicaid/Medicare -<br>Hospitals                            | \$ | 28,200,000 | \$ | 28,200,000                                | 32992 |
| 3A60 | 334608 | Federal Miscellaneous<br>- Hospitals                        | \$ | 200,000    | \$ | 200,000                                   | 32993 |
| 3A80 | 334613 | Federal Letter of<br>Credit                                 | \$ | 200,000    | \$ | 200,000                                   | 32994 |
| 3A60 | 335608 | Federal Miscellaneous                                       | \$ | 2,170,000  | \$ | 2,170,000                                 | 32995 |
| 3A70 | 335612 | Social Services Block<br>Grant                              | \$ | 8,400,000  | \$ | 8,400,000                                 | 32996 |
| 3A80 | 335613 | Federal Grant -<br>Community Mental<br>Health Board Subsidy | \$ | 2,500,000  | \$ | <del>2,500,000</del><br><u>4,500,000</u>  | 32997 |
| 3A90 | 335614 | Mental Health Block<br>Grant                                | \$ | 14,200,000 | \$ | 14,200,000                                | 32998 |
| 3FR0 | 335638 | Race to the Top -<br>Early Learning<br>Challenge Grant      | \$ | 1,164,000  | \$ | 1,164,000                                 | 32999 |
| 3G40 | 335618 | Substance Abuse Block<br>Grant                              | \$ | 62,542,003 | \$ | 62,557,967                                | 33000 |
| 3H80 | 335606 | Demonstration Grants                                        | \$ | 5,428,006  | \$ | <del>5,428,006</del><br><u>11,000,000</u> | 33001 |
| 3B10 | 652635 | Community Medicaid<br>Legacy Costs                          | \$ | 5,000,000  | \$ | ± <u>5,000,000</u>                        | 33002 |
| 3B10 | 652636 | Community Medicaid                                          | \$ | 7,000,000  | \$ | 7,000,000                                 | 33003 |

|                  |                 |                        |    |                        |    |                        |       |
|------------------|-----------------|------------------------|----|------------------------|----|------------------------|-------|
|                  |                 | Legacy Support         |    |                        |    |                        |       |
| 3J80             | 652609          | Medicaid Legacy Costs  | \$ | 3,000,000              | \$ | <del>3,000,000</del>   | 33004 |
|                  |                 | Support                |    |                        |    |                        |       |
| TOTAL FED        | Federal         | Special Revenue        | \$ | 152,659,342            | \$ | <del>144,675,306</del> | 33005 |
| Fund Group       |                 |                        |    |                        |    | <u>163,009,726</u>     |       |
| State            | Special Revenue | Fund Group             |    |                        |    |                        | 33006 |
| 2320             | 333621          | Family and Children    | \$ | 400,000                | \$ | 400,000                | 33007 |
|                  |                 | First Administration   |    |                        |    |                        |       |
| 4750             | 333623          | Statewide Treatment    | \$ | 5,490,667              | \$ | 5,490,667              | 33008 |
|                  |                 | and Prevention -       |    |                        |    |                        |       |
|                  |                 | Administration         |    |                        |    |                        |       |
| 4850             | 333632          | Mental Health          | \$ | 134,233                | \$ | 134,233                | 33009 |
|                  |                 | Operating - Refunds    |    |                        |    |                        |       |
| 5JL0             | 333629          | Problem Gambling and   | \$ | 1,361,592              | \$ | 1,361,592              | 33010 |
|                  |                 | Casino Addictions -    |    |                        |    |                        |       |
|                  |                 | Administration         |    |                        |    |                        |       |
| 5V20             | 333611          | Non-Federal            | \$ | 100,000                | \$ | 100,000                | 33011 |
|                  |                 | Miscellaneous          |    |                        |    |                        |       |
| 6890             | 333640          | Education and          | \$ | 150,000                | \$ | 150,000                | 33012 |
|                  |                 | Conferences            |    |                        |    |                        |       |
| 4850             | 334632          | Mental Health          | \$ | 2,477,500              | \$ | 2,477,500              | 33013 |
|                  |                 | Operating - Hospitals  |    |                        |    |                        |       |
| 4750             | 335623          | Statewide Treatment    | \$ | 10,059,333             | \$ | 10,059,333             | 33014 |
|                  |                 | and Prevention         |    |                        |    |                        |       |
| 5AU0             | 335615          | Behavioral Health Care | \$ | 6,690,000              | \$ | 6,690,000              | 33015 |
| 5JL0             | 335629          | Problem Gambling and   | \$ | 4,084,772              |    | 4,084,772              | 33016 |
|                  |                 | Casino Addictions      |    |                        |    |                        |       |
| 6320             | 335616          | Community Capital      | \$ | 350,000                | \$ | 350,000                | 33017 |
|                  |                 | Replacement            |    |                        |    |                        |       |
| TOTAL SSR        | State           | Special Revenue        | \$ | 31,298,097             | \$ | 31,298,097             | 33018 |
| Fund Group       |                 |                        |    |                        |    |                        |       |
| TOTAL ALL BUDGET | FUND GROUPS     |                        | \$ | <del>698,771,638</del> | \$ | <del>685,921,002</del> | 33019 |
|                  |                 |                        |    | <u>697,671,638</u>     |    | <u>681,255,422</u>     |       |

Sec. 327.83. COMMUNITY BEHAVIORAL HEALTH 33021

~~Of the foregoing appropriation item 335507, Community Behavioral Health, \$30,000,000 in each fiscal year shall be allocated to community alcohol, drug addiction, and mental health services boards to provide mental health services.~~ 33022  
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~~Of the foregoing appropriation item 335507, Community Behavioral Health, \$17,500,000 in each fiscal year shall be allocated to community alcohol, drug addiction, and mental health services boards to be used for addiction services including medication, treatment programs, and counseling.~~ 33026  
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The foregoing appropriation item 335507, Community Behavioral Health, shall be used to address gaps identified by the Department of Mental Health and Addiction Services in the continuum of care for persons with mental illness or addiction disorders, including access to crisis services. 33031  
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Of the foregoing appropriation item 335507, Community Behavioral Health, up to \$6.5 million in fiscal year 2015 shall be used to expand evidence-based prevention resources statewide. 33036  
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Of the foregoing appropriation item 335507, Community Behavioral Health, \$7.5 million in fiscal year 2015 shall be used to fund expansion and improvement of the Residential State Supplement Program. 33039  
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Of the foregoing appropriation item 335507, Community Behavioral Health, up to \$5.0 million in fiscal year 2015 shall be used to expand access to recovery housing. "Recovery housing" means housing for individuals recovering from drug addiction that provides an alcohol and drug-free living environment, peer support, assistance with obtaining drug addiction services, and other drug addiction recovery assistance where the length of stay is not limited to a specific duration. Recovery housing does not 33043  
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include residential facilities subject to licensure pursuant to 33051  
section 5119.34 of the Revised Code. Medication-assisted treatment 33052  
may be allowed in recovery housing. Support for projects in 33053  
counties of the state that do not currently have recovery housing 33054  
stock shall be given priority. For expenditures that are capital 33055  
in nature, the Department of Mental Health and Addiction Services 33056  
shall develop procedures to administer these funds in a manner 33057  
that is consistent with current community capital assistance 33058  
projects process guidelines. 33059

The remainder of the foregoing appropriation item 335507, 33060  
Community Behavioral Health, an amount up to \$28.5 million, in 33061  
fiscal year 2015 shall be invested in addiction and mental health 33062  
recovery supports, with an emphasis on crisis and housing. These 33063  
investments shall address gaps in the continuum of care and shall 33064  
be identified and implemented in consultation with boards of 33065  
mental health and recovery services. 33066

**Sec. 333.10. DNR DEPARTMENT OF NATURAL RESOURCES** 33067

General Revenue Fund 33068

GRF 725401 Wildlife-GRF Central \$ 1,800,000 \$ 1,800,000 33069

Support

GRF 725413 Lease Rental Payments \$ 21,622,900 \$ 23,943,400 33070

GRF 725456 Canal Lands \$ 135,000 \$ 135,000 33071

GRF 725502 Soil and Water \$ 2,900,000 \$ 2,900,000 33072

Districts

GRF 725505 Healthy Lake Erie Fund \$ 650,000 \$ 500,000 33073

GRF 725507 Coal and Mine Safety \$ 2,500,000 \$ 2,500,000 33074

Program

GRF 725903 Natural Resources \$ 24,325,400 \$ ~~25,443,000~~ 33075

General Obligation

23,743,000

Debt Service

GRF 727321 Division of Forestry \$ 4,392,002 \$ 4,392,001 33076

|                             |                      |                                                   |    |            |    |                                             |       |
|-----------------------------|----------------------|---------------------------------------------------|----|------------|----|---------------------------------------------|-------|
| GRF                         | 729321               | Office of Information<br>Technology               | \$ | 177,405    | \$ | 177,405                                     | 33077 |
| GRF                         | 730321               | Division of Parks and<br>Recreation               | \$ | 30,000,000 | \$ | 30,000,000                                  | 33078 |
| GRF                         | 736321               | Division of<br>Engineering                        | \$ | 2,279,115  | \$ | 2,324,736                                   | 33079 |
| GRF                         | 737321               | Division of Soil and<br>Water Resources           | \$ | 4,782,704  | \$ | 4,782,652                                   | 33080 |
| GRF                         | 738321               | Division of Real<br>Estate and Land<br>Management | \$ | 715,963    | \$ | 670,342                                     | 33081 |
| GRF                         | 741321               | Division of Natural<br>Areas and Preserves        | \$ | 1,200,000  | \$ | 1,200,000                                   | 33082 |
| TOTAL GRF                   | General Revenue Fund |                                                   | \$ | 97,480,489 | \$ | <del>100,768,536</del><br><u>99,068,536</u> | 33083 |
| General Services Fund Group |                      |                                                   |    |            |    |                                             | 33084 |
| 1550                        | 725601               | Departmental Projects                             | \$ | 2,109,968  | \$ | 1,839,204                                   | 33085 |
| 1570                        | 725651               | Central Support<br>Indirect                       | \$ | 4,609,154  | \$ | 4,671,566                                   | 33086 |
| 2040                        | 725687               | Information Services                              | \$ | 5,179,097  | \$ | 5,288,168                                   | 33087 |
| 2050                        | 725696               | Human Resource Direct<br>Service                  | \$ | 2,474,345  | \$ | 2,526,662                                   | 33088 |
| 2070                        | 725690               | Real Estate Services                              | \$ | 50,000     | \$ | 50,000                                      | 33089 |
| 2230                        | 725665               | Law Enforcement<br>Administration                 | \$ | 2,126,432  | \$ | 2,126,432                                   | 33090 |
| 2270                        | 725406               | Parks Projects<br>Personnel                       | \$ | 436,500    | \$ | 436,500                                     | 33091 |
| 4300                        | 725671               | Canal Lands                                       | \$ | 883,879    | \$ | 883,879                                     | 33092 |
| 4S90                        | 725622               | NatureWorks Personnel                             | \$ | 404,657    | \$ | 412,570                                     | 33093 |
| 4X80                        | 725662               | Water Resources<br>Council                        | \$ | 138,005    | \$ | 138,005                                     | 33094 |
| 5100                        | 725631               | Maintenance -<br>State-owned                      | \$ | 303,611    | \$ | 303,611                                     | 33095 |

|                                    |        |                       |    |            |    |                  |
|------------------------------------|--------|-----------------------|----|------------|----|------------------|
|                                    |        | Residences            |    |            |    |                  |
| 5160                               | 725620 | Water Management      | \$ | 2,559,292  | \$ | 2,559,292 33096  |
| 6350                               | 725664 | Fountain Square       | \$ | 3,329,935  | \$ | 3,346,259 33097  |
|                                    |        | Facilities Management |    |            |    |                  |
| 6970                               | 725670 | Submerged Lands       | \$ | 852,982    | \$ | 869,145 33098    |
| TOTAL GSF General Services         |        |                       |    |            |    | 33099            |
| Fund Group                         |        |                       | \$ | 25,457,857 | \$ | 25,451,293 33100 |
| Federal Special Revenue Fund Group |        |                       |    |            |    | 33101            |
| 3320                               | 725669 | Federal Mine Safety   | \$ | 265,000    | \$ | 265,000 33102    |
|                                    |        | Grant                 |    |            |    |                  |
| 3B30                               | 725640 | Federal Forest        | \$ | 500,000    | \$ | 500,000 33103    |
|                                    |        | Pass-Thru             |    |            |    |                  |
| 3B40                               | 725641 | Federal Flood         | \$ | 500,000    | \$ | 500,000 33104    |
|                                    |        | Pass-Thru             |    |            |    |                  |
| 3B50                               | 725645 | Federal Abandoned     | \$ | 11,851,759 | \$ | 11,851,759 33105 |
|                                    |        | Mine Lands            |    |            |    |                  |
| 3B60                               | 725653 | Federal Land and      | \$ | 950,000    | \$ | 950,000 33106    |
|                                    |        | Water Conservation    |    |            |    |                  |
|                                    |        | Grants                |    |            |    |                  |
| 3B70                               | 725654 | Reclamation -         | \$ | 3,200,000  | \$ | 3,200,000 33107  |
|                                    |        | Regulatory            |    |            |    |                  |
| 3P10                               | 725632 | Geological Survey -   | \$ | 933,448    | \$ | 557,146 33108    |
|                                    |        | Federal               |    |            |    |                  |
| 3P20                               | 725642 | Oil and Gas - Federal | \$ | 234,509    | \$ | 234,509 33109    |
| 3P30                               | 725650 | Coastal Management -  | \$ | 2,790,633  | \$ | 2,790,633 33110  |
|                                    |        | Federal               |    |            |    |                  |
| 3P40                               | 725660 | Federal - Soil and    | \$ | 969,190    | \$ | 1,006,874 33111  |
|                                    |        | Water Resources       |    |            |    |                  |
| 3R50                               | 725673 | Acid Mine Drainage    | \$ | 4,342,280  | \$ | 4,342,280 33112  |
|                                    |        | Abatement/Treatment   |    |            |    |                  |
| 3Z50                               | 725657 | Federal Recreation    | \$ | 1,850,000  | \$ | 1,850,000 33113  |
|                                    |        | and Trails            |    |            |    |                  |
| TOTAL FED Federal Special Revenue  |        |                       |    |            |    | 33114            |



|                                  |                                                                              |    |            |    |            |       |
|----------------------------------|------------------------------------------------------------------------------|----|------------|----|------------|-------|
| Fund Group                       |                                                                              | \$ | 28,386,819 | \$ | 28,048,201 | 33115 |
| State Special Revenue Fund Group |                                                                              |    |            |    |            | 33116 |
| 4J20 725628                      | Injection Well Review                                                        | \$ | 128,466    | \$ | 128,466    | 33117 |
| 4M70 725686                      | Wildfire Suppression                                                         | \$ | 100,000    | \$ | 100,000    | 33118 |
| 4U60 725668                      | Scenic Rivers<br>Protection                                                  | \$ | 100,000    | \$ | 100,000    | 33119 |
| 5090 725602                      | State Forest                                                                 | \$ | 6,873,330  | \$ | 6,880,158  | 33120 |
| 5110 725646                      | Ohio Geological<br>Mapping                                                   | \$ | 1,220,690  | \$ | 1,993,519  | 33121 |
| 5120 725605                      | State Parks<br>Operations                                                    | \$ | 29,654,880 | \$ | 29,671,044 | 33122 |
| 5140 725606                      | Lake Erie Shoreline                                                          | \$ | 1,559,583  | \$ | 1,559,583  | 33123 |
| 5180 725643                      | Oil and Gas <del>Permit</del><br><u>Fees Regulation and</u><br><u>Safety</u> | \$ | 12,812,311 | \$ | 13,140,201 | 33124 |
| 5180 725677                      | Oil and Gas Well<br>Plugging                                                 | \$ | 1,500,000  | \$ | 1,500,000  | 33125 |
| 5210 725627                      | Off-Road Vehicle<br>Trails                                                   | \$ | 143,490    | \$ | 143,490    | 33126 |
| 5220 725656                      | Natural Areas and<br>Preserves                                               | \$ | 546,639    | \$ | 546,639    | 33127 |
| 5260 725610                      | Strip Mining<br>Administration Fee                                           | \$ | 1,800,000  | \$ | 1,800,000  | 33128 |
| 5270 725637                      | Surface Mining<br>Administration                                             | \$ | 1,941,532  | \$ | 1,941,532  | 33129 |
| 5290 725639                      | Unreclaimed Land Fund                                                        | \$ | 1,804,180  | \$ | 1,804,180  | 33130 |
| 5310 725648                      | Reclamation<br>Forfeiture                                                    | \$ | 500,000    | \$ | 500,000    | 33131 |
| 5B30 725674                      | Mining Regulation                                                            | \$ | 28,135     | \$ | 28,135     | 33132 |
| 5BV0 725658                      | Heidelberg Water<br>Quality Lab                                              | \$ | 250,000    | \$ | 250,000    | 33133 |
| 5BV0 725683                      | Soil and Water<br>Districts                                                  | \$ | 8,000,000  | \$ | 8,000,000  | 33134 |

|                                    |        |                                                 |    |            |    |            |       |
|------------------------------------|--------|-------------------------------------------------|----|------------|----|------------|-------|
| 5EJ0                               | 725608 | Forestry Law<br>Enforcement                     | \$ | 1,000      | \$ | 1,000      | 33135 |
| 5EK0                               | 725611 | Natural Areas &<br>Preserves Law<br>Enforcement | \$ | 1,000      | \$ | 1,000      | 33136 |
| 5EL0                               | 725612 | Wildlife Law<br>Enforcement                     | \$ | 12,000     | \$ | 12,000     | 33137 |
| 5EM0                               | 725613 | Park Law Enforcement                            | \$ | 34,000     | \$ | 34,000     | 33138 |
| 5EN0                               | 725614 | Watercraft Law<br>Enforcement                   | \$ | 2,500      | \$ | 2,500      | 33139 |
| 5HK0                               | 725625 | Ohio Nature Preserves                           | \$ | 1,000      | \$ | 1,000      | 33140 |
| 5MF0                               | 725635 | Ohio Geology License<br>Plate                   | \$ | 7,500      | \$ | 7,500      | 33141 |
| 5MW0                               | 725604 | Natural Resources<br>Special Purposes           | \$ | 10,163,812 | \$ | 6,165,162  | 33142 |
| 6150                               | 725661 | Dam Safety                                      | \$ | 943,517    | \$ | 943,517    | 33143 |
| TOTAL SSR State Special Revenue    |        |                                                 |    |            |    |            | 33144 |
| Fund Group                         |        |                                                 | \$ | 80,129,565 | \$ | 77,254,626 | 33145 |
| Clean Ohio Conservation Fund Group |        |                                                 |    |            |    |            | 33146 |
| 7061                               | 725405 | Clean Ohio Operating                            | \$ | 300,775    | \$ | 300,775    | 33147 |
| TOTAL CLF Clean Ohio Conservation  |        |                                                 |    |            |    |            | 33148 |
| Fund Group                         |        |                                                 | \$ | 300,775    | \$ | 300,775    |       |
| Wildlife Fund Group                |        |                                                 |    |            |    |            | 33149 |
| 5P20                               | 725634 | Wildlife Boater<br>Angler Administration        | \$ | 3,000,000  | \$ | 3,000,000  | 33150 |
| 7015                               | 740401 | Division of Wildlife<br>Conservation            | \$ | 56,466,564 | \$ | 57,075,976 | 33151 |
| 8150                               | 725636 | Cooperative<br>Management Projects              | \$ | 120,449    | \$ | 120,449    | 33152 |
| 8160                               | 725649 | Wetlands Habitat                                | \$ | 966,885    | \$ | 966,885    | 33153 |
| 8170                               | 725655 | Wildlife Conservation<br>Checkoff Fund          | \$ | 2,000,000  | \$ | 2,000,000  | 33154 |

|                                                                     |        |                                   |    |             |    |                                              |       |
|---------------------------------------------------------------------|--------|-----------------------------------|----|-------------|----|----------------------------------------------|-------|
| 8180                                                                | 725629 | Cooperative Fisheries<br>Research | \$ | 1,500,000   | \$ | 1,500,000                                    | 33155 |
| 8190                                                                | 725685 | Ohio River Management             | \$ | 203,584     | \$ | 203,584                                      | 33156 |
| 81B0                                                                | 725688 | Wildlife Habitat Fund             | \$ | 1,200,000   | \$ | 1,200,000                                    | 33157 |
| TOTAL WLF Wildlife Fund Group                                       |        |                                   | \$ | 65,457,482  | \$ | 66,066,894                                   | 33158 |
| Waterways Safety Fund Group                                         |        |                                   |    |             |    |                                              | 33159 |
| 7086                                                                | 725414 | Waterways Improvement             | \$ | 5,693,671   | \$ | 5,693,671                                    | 33160 |
| 7086                                                                | 725418 | Buoy Placement                    | \$ | 52,182      | \$ | 52,182                                       | 33161 |
| 7086                                                                | 725501 | Waterway Safety<br>Grants         | \$ | 120,000     | \$ | 120,000                                      | 33162 |
| 7086                                                                | 725506 | Watercraft Marine<br>Patrol       | \$ | 576,153     | \$ | 576,153                                      | 33163 |
| 7086                                                                | 725513 | Watercraft<br>Educational Grants  | \$ | 366,643     | \$ | 366,643                                      | 33164 |
| 7086                                                                | 739401 | Division of<br>Watercraft         | \$ | 19,467,370  | \$ | 19,297,370                                   | 33165 |
| TOTAL WSF Waterways Safety Fund<br>Group                            |        |                                   | \$ | 26,276,019  | \$ | 26,106,019                                   | 33166 |
| Accrued Leave Liability Fund Group                                  |        |                                   |    |             |    |                                              | 33168 |
| 4M80                                                                | 725675 | FOP Contract                      | \$ | 20,219      | \$ | 20,219                                       | 33169 |
| TOTAL ALF Accrued Leave<br>Liability Fund Group                     |        |                                   | \$ | 20,219      | \$ | 20,219                                       | 33170 |
| Holding Account Redistribution Fund Group                           |        |                                   |    |             |    |                                              | 33172 |
| R017                                                                | 725659 | Performance Cash Bond<br>Refunds  | \$ | 496,263     | \$ | 496,263                                      | 33173 |
| R043                                                                | 725624 | Forestry                          | \$ | 2,100,000   | \$ | 2,100,000                                    | 33174 |
| TOTAL 090 Holding Account<br>Redistribution Fund Group              |        |                                   | \$ | 2,596,263   | \$ | 2,596,263                                    | 33175 |
| TOTAL ALL BUDGET FUND GROUPS                                        |        |                                   | \$ | 326,105,488 | \$ | <del>326,612,826</del><br><u>324,912,826</u> | 33177 |
| <b>Sec. 340.10. OOD OPPORTUNITIES FOR OHIOANS WITH DISABILITIES</b> |        |                                   |    |             |    |                                              | 33179 |

|                                    |                                                                                   |                |                |  |                |
|------------------------------------|-----------------------------------------------------------------------------------|----------------|----------------|--|----------------|
| AGENCY                             |                                                                                   |                |                |  | 33180          |
| General Revenue Fund               |                                                                                   |                |                |  | 33181          |
| GRF 415402                         | Independent Living<br>Council                                                     | \$ 252,000     | \$ 252,000     |  | 33182          |
| GRF 415406                         | Assistive Technology                                                              | \$ 26,618      | \$ 26,618      |  | 33183          |
| GRF 415431                         | <del>Office for People</del><br>with Brain Injury                                 | \$ 126,567     | \$ 126,567     |  | 33184          |
| GRF 415506                         | Services for <del>People</del><br><u>Individuals</u> with<br>Disabilities         | \$ 15,277,885  | \$ 15,277,885  |  | 33185          |
| GRF 415508                         | Services for the Deaf                                                             | \$ 28,000      | \$ 28,000      |  | 33186          |
| TOTAL GRF                          | General Revenue Fund                                                              | \$ 15,711,070  | \$ 15,711,070  |  | 33187          |
| General Services Fund Group        |                                                                                   |                |                |  | 33188          |
| 4670 415609                        | Business Enterprise<br>Operating Expenses                                         | \$ 962,538     | \$ 965,481     |  | 33189          |
| TOTAL GSF                          | General Services<br>Fund Group                                                    | \$ 962,538     | \$ 965,481     |  | 33190<br>33191 |
| Federal Special Revenue Fund Group |                                                                                   |                |                |  | 33192          |
| 3170 415620                        | Disability<br>Determination                                                       | \$ 83,332,186  | \$ 84,641,911  |  | 33193          |
| 3790 415616                        | Federal - Vocational<br>Rehabilitation                                            | \$ 117,431,895 | \$ 113,610,728 |  | 33194          |
| 3L10 415601                        | Social Security<br>Personal Care<br>Assistance                                    | \$ 2,748,451   | \$ 2,752,396   |  | 33195          |
| 3L10 415605                        | Social Security<br>Community Centers for<br>the Deaf                              | \$ 772,000     | \$ 772,000     |  | 33196          |
| 3L10 415608                        | Social Security<br><del>Special</del><br>Programs/Assistance<br><u>Vocational</u> | \$ 445,258     | \$ 498,269     |  | 33197          |

|                                                                     |        |                        |    |             |    |                   |
|---------------------------------------------------------------------|--------|------------------------|----|-------------|----|-------------------|
|                                                                     |        | <u>Rehabilitation</u>  |    |             |    |                   |
| 3L40                                                                | 415612 | Federal Independent    | \$ | 638,431     | \$ | 638,431 33198     |
|                                                                     |        | Living Centers or      |    |             |    |                   |
|                                                                     |        | Services               |    |             |    |                   |
| 3L40                                                                | 415615 | Federal - Supported    | \$ | 916,727     | \$ | 916,727 33199     |
|                                                                     |        | Employment             |    |             |    |                   |
| 3L40                                                                | 415617 | <del>Independent</del> | \$ | 1,548,658   | \$ | 1,348,658 33200   |
|                                                                     |        | Living/Vocational      |    |             |    |                   |
|                                                                     |        | Rehabilitation         |    |             |    |                   |
|                                                                     |        | Programs               |    |             |    |                   |
| TOTAL FED Federal Special                                           |        |                        |    |             |    | 33201             |
| Revenue Fund Group                                                  |        |                        | \$ | 207,833,606 | \$ | 205,179,120 33202 |
| State Special Revenue Fund Group                                    |        |                        |    |             |    | 33203             |
| 4680                                                                | 415618 | Third Party Funding    | \$ | 11,000,000  | \$ | 11,000,000 33204  |
| 4L10                                                                | 415619 | Services for           | \$ | 3,502,168   | \$ | 3,502,168 33205   |
|                                                                     |        | Rehabilitation         |    |             |    |                   |
| 4W50                                                                | 415606 | Program Management     | \$ | 12,369,751  | \$ | 12,594,758 33206  |
|                                                                     |        | <del>Expenses</del>    |    |             |    |                   |
| TOTAL SSR State Special                                             |        |                        |    |             |    | 33207             |
| Revenue Fund Group                                                  |        |                        | \$ | 26,871,919  | \$ | 27,096,926 33208  |
| TOTAL ALL BUDGET FUND GROUPS                                        |        |                        | \$ | 251,379,133 | \$ | 248,952,597 33209 |
| INDEPENDENT LIVING COUNCIL                                          |        |                        |    |             |    | 33210             |
| The foregoing appropriation item 415402, Independent Living         |        |                        |    |             |    | 33211             |
| Council, shall be used to fund the operations of the State          |        |                        |    |             |    | 33212             |
| Independent Living Council and to support state independent living  |        |                        |    |             |    | 33213             |
| centers and independent living services under Title VII of the      |        |                        |    |             |    | 33214             |
| Independent Living Services and Centers for Independent Living of   |        |                        |    |             |    | 33215             |
| the Rehabilitation Act Amendments of 1992, 106 Stat. 4344, 29       |        |                        |    |             |    | 33216             |
| U.S.C. 796d.                                                        |        |                        |    |             |    | 33217             |
| Of the foregoing appropriation item 415402, Independent             |        |                        |    |             |    | 33218             |
| Living Council, \$67,662 in each fiscal year shall be used as state |        |                        |    |             |    | 33219             |
| matching funds for vocational rehabilitation innovation and         |        |                        |    |             |    | 33220             |

|                                                                              |       |
|------------------------------------------------------------------------------|-------|
| expansion activities.                                                        | 33221 |
| ASSISTIVE TECHNOLOGY                                                         | 33222 |
| The total amount of the foregoing appropriation item 415406,                 | 33223 |
| Assistive Technology, shall be provided to Assistive Technology of           | 33224 |
| Ohio to provide grants and assistive technology services for                 | 33225 |
| people with disabilities in the State of Ohio.                               | 33226 |
| <del>OFFICE FOR PEOPLE WITH BRAIN INJURY</del>                               | 33227 |
| The foregoing appropriation item 415431, <del>Office for People</del>        | 33228 |
| <del>with</del> Brain Injury, shall be provided to The Ohio State University | 33229 |
| College of Medicine to support the Brain Injury Program                      | 33230 |
| established under section 3304.23 of the Revised Code.                       | 33231 |
| VOCATIONAL REHABILITATION SERVICES                                           | 33232 |
| The foregoing appropriation item 415506, Services for <del>People</del>      | 33233 |
| <u>Individuals</u> with Disabilities, shall be used as state matching        | 33234 |
| funds to provide vocational rehabilitation services to eligible              | 33235 |
| consumers.                                                                   | 33236 |
| SERVICES FOR THE DEAF                                                        | 33237 |
| The foregoing appropriation item 415508, Services for the                    | 33238 |
| Deaf, shall be used to provide grants to community centers for the           | 33239 |
| deaf.                                                                        | 33240 |
| <del>INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS</del>             | 33241 |
| <del>The foregoing appropriation item 415617, Independent</del>              | 33242 |
| <del>Living/Vocational Rehabilitation Programs, shall be used to</del>       | 33243 |
| <del>support vocational rehabilitation programs.</del>                       | 33244 |
| SOCIAL SECURITY REIMBURSEMENT FUNDS                                          | 33245 |
| Reimbursement funds received from the Social Security                        | 33246 |
| Administration, United States Department of Health and Human                 | 33247 |
| Services, for the costs of providing services and training to                | 33248 |
| return disability recipients to gainful employment shall be                  | 33249 |

expended from the ~~Social Security Reimbursement Fund (Fund 3L10)~~, 33250  
to the extent funds are available, as follows: 33251

(A) Appropriation item 415601, Social Security Personal Care 33252  
Assistance, to provide personal care services in accordance with 33253  
section 3304.41 of the Revised Code; 33254

(B) Appropriation item 415605, Social Security Community 33255  
Centers for the Deaf, to provide grants to community centers for 33256  
the deaf in Ohio for services to individuals with hearing 33257  
impairments; and 33258

(C) Appropriation item 415608, Social Security ~~Special~~ 33259  
~~Programs/Assistance~~ Vocational Rehabilitation, to provide 33260  
vocational rehabilitation services to individuals with severe 33261  
disabilities who are Social Security beneficiaries, to enable them 33262  
to achieve competitive employment. ~~This appropriation item shall~~ 33263  
~~also be used to pay a portion of indirect costs of the Personal~~ 33264  
~~Care Assistance Program and the Independent Living Programs as~~ 33265  
~~mandated by federal OMB Circular A-87.~~ 33266

PROGRAM MANAGEMENT ~~EXPENSES~~ 33267

The foregoing appropriation item 415606, Program Management 33268  
~~Expenses~~, shall be used to support the administrative functions of 33269  
the commission related to the provision of vocational 33270  
rehabilitation, disability determination services, and ancillary 33271  
programs. 33272

**Sec. 349.10. PRX STATE BOARD OF PHARMACY** 33273

General Services Fund Group 33274

|             |                      |    |         |    |         |       |
|-------------|----------------------|----|---------|----|---------|-------|
| 4A50 887605 | Drug Law Enforcement | \$ | 150,000 | \$ | 150,000 | 33275 |
|-------------|----------------------|----|---------|----|---------|-------|

|             |                    |    |           |    |                      |       |
|-------------|--------------------|----|-----------|----|----------------------|-------|
| 4K90 887609 | Operating Expenses | \$ | 6,701,285 | \$ | <del>6,701,285</del> | 33276 |
|             |                    |    |           |    | <u>6,901,285</u>     |       |

|                                 |    |           |    |                      |       |
|---------------------------------|----|-----------|----|----------------------|-------|
| TOTAL GSF General Services Fund | \$ | 6,851,285 | \$ | <del>6,851,285</del> | 33277 |
| Group                           |    |           |    | <u>7,051,285</u>     |       |

|                                    |    |           |    |                      |       |
|------------------------------------|----|-----------|----|----------------------|-------|
| Federal Special Revenue Fund Group |    |           |    |                      | 33278 |
| 3BC0 887604 Dangerous Drugs        | \$ | 390,869   | \$ | 0                    | 33279 |
| Database                           |    |           |    |                      |       |
| 3CT0 887606 2008                   | \$ | 224,691   | \$ | 112,346              | 33280 |
| Developing/Enhancing               |    |           |    |                      |       |
| PMP                                |    |           |    |                      |       |
| 3DV0 887607 Enhancing Ohio's PMP   | \$ | 2,000     | \$ | 2,000                | 33281 |
| 3EY0 887603 Administration of      | \$ | 66,335    | \$ | 0                    | 33282 |
| PMIX Hub                           |    |           |    |                      |       |
| TOTAL FED Federal Special Revenue  | \$ | 683,895   | \$ | 114,346              | 33283 |
| Fund Group                         |    |           |    |                      |       |
| TOTAL ALL BUDGET FUND GROUPS       | \$ | 7,535,180 | \$ | <del>6,965,631</del> | 33284 |
|                                    |    |           |    | <u>7,165,631</u>     |       |

**Sec. 359.10. PWC PUBLIC WORKS COMMISSION** 33286

|                                    |    |                        |    |                        |       |
|------------------------------------|----|------------------------|----|------------------------|-------|
| General Revenue Fund               |    |                        |    |                        | 33287 |
| GRF 150904 Conservation General    | \$ | <del>33,376,600</del>  | \$ | 34,447,700             | 33288 |
| Obligation Debt                    |    | <u>26,676,600</u>      |    |                        |       |
| Service                            |    |                        |    |                        |       |
| GRF 150907 State Capital           | \$ | <del>227,810,300</del> | \$ | <del>228,948,900</del> | 33289 |
| Improvements General               |    | <u>210,710,300</u>     |    | <u>226,948,900</u>     |       |
| Obligation Debt                    |    |                        |    |                        |       |
| Service                            |    |                        |    |                        |       |
| TOTAL GRF General Revenue Fund     | \$ | <del>261,186,900</del> | \$ | <del>263,396,600</del> | 33290 |
|                                    |    | <u>237,386,900</u>     |    | <u>261,396,600</u>     |       |
| Clean Ohio Conservation Fund Group |    |                        |    |                        | 33291 |
| 7056 150403 Clean Ohio Operating   | \$ | 288,980                | \$ | 288,980                | 33292 |
| Expenses                           |    |                        |    |                        |       |
| TOTAL 056 Clean Ohio Conservation  | \$ | 288,980                | \$ | 288,980                | 33293 |
| Fund Group                         |    |                        |    |                        |       |
| TOTAL ALL BUDGET FUND GROUPS       | \$ | <del>261,475,880</del> | \$ | <del>263,685,580</del> | 33294 |
|                                    |    | <u>237,675,880</u>     |    | <u>261,685,580</u>     |       |



CONSERVATION GENERAL OBLIGATION DEBT SERVICE 33295

The foregoing appropriation item 150904, Conservation General  
Obligation Debt Service, shall be used to pay all debt service and  
related financing costs during the period from July 1, 2013,  
through June 30, 2015, at the times they are required to be made  
for obligations issued under sections 151.01 and 151.09 of the  
Revised Code.

STATE CAPITAL IMPROVEMENTS GENERAL OBLIGATION DEBT SERVICE 33302

The foregoing appropriation item 150907, State Capital  
Improvements General Obligation Debt Service, shall be used to pay  
all debt service and related financing costs during the period  
from July 1, 2013, through June 30, 2015, at the times they are  
required to be made for obligations issued under sections 151.01  
and 151.08 of the Revised Code.

CLEAN OHIO OPERATING EXPENSES 33309

The foregoing appropriation item 150403, Clean Ohio Operating  
Expenses, shall be used by the Ohio Public Works Commission in  
administering Clean Ohio Conservation Fund (Fund 7056) projects  
pursuant to sections 164.20 to 164.27 of the Revised Code.

**Sec. 363.10. BOR BOARD OF REGENTS** 33314

General Revenue Fund 33315

|            |                                     |    |           |    |           |       |
|------------|-------------------------------------|----|-----------|----|-----------|-------|
| GRF 235321 | Operating Expenses                  | \$ | 2,850,357 | \$ | 2,850,357 | 33316 |
| GRF 235401 | Lease Rental Payments               | \$ | 5,805,300 | \$ | 0         | 33317 |
| GRF 235402 | Sea Grants                          | \$ | 285,000   | \$ | 285,000   | 33318 |
| GRF 235406 | Articulation and<br>Transfer        | \$ | 2,000,000 | \$ | 2,000,000 | 33319 |
| GRF 235408 | Midwest Higher<br>Education Compact | \$ | 95,000    | \$ | 95,000    | 33320 |
| GRF 235409 | HEI Information System              | \$ | 1,505,683 | \$ | 1,505,683 | 33321 |
| GRF 235414 | State Grants and                    | \$ | 830,180   | \$ | 830,180   | 33322 |

|            |                        |    |               |    |                          |       |
|------------|------------------------|----|---------------|----|--------------------------|-------|
|            | Scholarship            |    |               |    |                          |       |
|            | Administration         |    |               |    |                          |       |
| GRF 235417 | eStudent Services      | \$ | 2,532,688     | \$ | 2,532,688                | 33323 |
| GRF 235428 | Appalachian New        | \$ | 737,366       | \$ | 737,366                  | 33324 |
|            | Economy Partnership    |    |               |    |                          |       |
| GRF 235433 | Economic Growth        | \$ | 521,153       | \$ | 521,153                  | 33325 |
|            | Challenge              |    |               |    |                          |       |
| GRF 235434 | College Readiness and  | \$ | 1,200,000     | \$ | 1,200,000                | 33326 |
|            | Access                 |    |               |    |                          |       |
| GRF 235438 | Choose Ohio First      | \$ | 16,665,114    | \$ | 16,665,114               | 33327 |
|            | Scholarship            |    |               |    |                          |       |
| GRF 235443 | Adult Basic and        | \$ | 7,427,416     | \$ | 7,427,416                | 33328 |
|            | Literacy Education -   |    |               |    |                          |       |
|            | State                  |    |               |    |                          |       |
| GRF 235444 | Post-Secondary Adult   | \$ | 15,817,547    | \$ | 15,817,547               | 33329 |
|            | Career-Technical       |    |               |    |                          |       |
|            | Education              |    |               |    |                          |       |
| GRF 235474 | Area Health Education  | \$ | 900,000       | \$ | 900,000                  | 33330 |
|            | Centers Program        |    |               |    |                          |       |
|            | Support                |    |               |    |                          |       |
| GRF 235480 | General Technology     | \$ | 500,000       | \$ | 500,000                  | 33331 |
|            | Operations             |    |               |    |                          |       |
| GRF 235483 | Technology Integration | \$ | 3,378,598     | \$ | 2,703,598                | 33332 |
|            | and Professional       |    |               |    |                          |       |
|            | Development            |    |               |    |                          |       |
| GRF 235501 | State Share of         | \$ | 1,789,699,580 | \$ | <del>1,818,225,497</del> | 33333 |
|            | Instruction            |    |               |    | <u>1,821,325,497</u>     |       |
| GRF 235502 | Student Support        | \$ | 632,974       | \$ | 632,974                  | 33334 |
|            | Services               |    |               |    |                          |       |
| GRF 235504 | War Orphans            | \$ | 5,500,000     | \$ | 5,500,000                | 33335 |
|            | Scholarships           |    |               |    |                          |       |
| GRF 235507 | OhioLINK               | \$ | 6,211,012     | \$ | 6,211,012                | 33336 |
| GRF 235508 | Air Force Institute of | \$ | 1,740,803     | \$ | 1,740,803                | 33337 |

|            |                                                                    |    |            |    |                  |
|------------|--------------------------------------------------------------------|----|------------|----|------------------|
|            | Technology                                                         |    |            |    |                  |
| GRF 235510 | Ohio Supercomputer<br>Center                                       | \$ | 3,747,418  | \$ | 3,747,418 33338  |
| GRF 235511 | Cooperative Extension<br>Service                                   | \$ | 23,086,658 | \$ | 23,056,658 33339 |
| GRF 235514 | Central State<br>Supplement                                        | \$ | 11,063,468 | \$ | 11,063,468 33340 |
| GRF 235515 | Case Western Reserve<br>University School of<br>Medicine           | \$ | 2,146,253  | \$ | 2,146,253 33341  |
| GRF 235516 | Wright State Lake<br>Campus Agricultural<br>Program                | \$ | 200,000    | \$ | 0 33342          |
| GRF 235519 | Family Practice                                                    | \$ | 3,166,185  | \$ | 3,166,185 33343  |
| GRF 235520 | Shawnee State<br>Supplement                                        | \$ | 2,326,097  | \$ | 2,326,097 33344  |
| GRF 235523 | Youth STEM<br>Commercialization and<br>Entrepreneurship<br>Program | \$ | 2,000,000  | \$ | 3,000,000 33345  |
| GRF 235524 | Police and Fire<br>Protection                                      | \$ | 107,814    | \$ | 107,814 33346    |
| GRF 235525 | Geriatric Medicine                                                 | \$ | 522,151    | \$ | 522,151 33347    |
| GRF 235526 | Primary Care<br>Residencies                                        | \$ | 1,500,000  | \$ | 1,500,000 33348  |
| GRF 235535 | Ohio Agricultural<br>Research and<br>Development Center            | \$ | 34,126,100 | \$ | 34,629,970 33349 |
| GRF 235536 | The Ohio State<br>University Clinical<br>Teaching                  | \$ | 9,668,941  | \$ | 9,668,941 33350  |
| GRF 235537 | University of<br>Cincinnati Clinical                               | \$ | 7,952,573  | \$ | 7,952,573 33351  |

|                                |                             |    |                          |    |                          |
|--------------------------------|-----------------------------|----|--------------------------|----|--------------------------|
|                                | Teaching                    |    |                          |    |                          |
| GRF 235538                     | University of Toledo        | \$ | 6,198,600                | \$ | 6,198,600                |
|                                | Clinical Teaching           |    |                          |    |                          |
| GRF 235539                     | Wright State                | \$ | 3,011,400                | \$ | 3,011,400                |
|                                | University Clinical         |    |                          |    |                          |
|                                | Teaching                    |    |                          |    |                          |
| GRF 235540                     | Ohio University             | \$ | 2,911,212                | \$ | 2,911,212                |
|                                | Clinical Teaching           |    |                          |    |                          |
| GRF 235541                     | Northeast Ohio Medical      | \$ | 2,994,178                | \$ | 2,994,178                |
|                                | University Clinical         |    |                          |    |                          |
|                                | Teaching                    |    |                          |    |                          |
| GRF 235552                     | Capital Component           | \$ | 13,628,639               | \$ | 10,280,387               |
| GRF 235555                     | Library Depositories        | \$ | 1,440,342                | \$ | 1,440,342                |
| GRF 235556                     | Ohio Academic               | \$ | 3,172,519                | \$ | 3,172,519                |
|                                | Resources Network           |    |                          |    |                          |
| GRF 235558                     | Long-term Care              | \$ | 325,300                  | \$ | 325,300                  |
|                                | Research                    |    |                          |    |                          |
| GRF 235563                     | Ohio College                | \$ | 90,284,264               | \$ | 90,284,264               |
|                                | Opportunity Grant           |    |                          |    |                          |
| GRF 235572                     | The Ohio State              | \$ | 766,533                  | \$ | 766,533                  |
|                                | University Clinic           |    |                          |    |                          |
|                                | Support                     |    |                          |    |                          |
| GRF 235599                     | National Guard              | \$ | 16,711,514               | \$ | 17,384,511               |
|                                | Scholarship Program         |    |                          |    |                          |
| GRF 235909                     | Higher Education            | \$ | <del>221,168,700</del>   | \$ | <del>248,822,000</del>   |
|                                | General Obligation          |    | <u>215,368,700</u>       |    | <u>245,822,000</u>       |
|                                | Debt Service                |    |                          |    |                          |
| TOTAL GRF General Revenue Fund |                             | \$ | <del>2,331,062,630</del> | \$ | <del>2,379,360,162</del> |
|                                |                             |    | <u>2,325,262,630</u>     |    | <u>2,379,460,162</u>     |
|                                | General Services Fund Group |    |                          |    | 33365                    |
| 2200 235614                    | Program Approval and        | \$ | 903,595                  | \$ | 903,595                  |
|                                | Reauthorization             |    |                          |    | 33366                    |
| 4560 235603                    | Sales and Services          | \$ | 199,250                  | \$ | 199,250                  |
|                                |                             |    |                          |    | 33367                    |

|                                    |        |                                                             |    |            |    |            |       |
|------------------------------------|--------|-------------------------------------------------------------|----|------------|----|------------|-------|
| 5JC0                               | 235649 | Co-op Internship<br>Program                                 | \$ | 8,000,000  | \$ | 8,000,000  | 33368 |
| 5JC0                               | 235668 | Defense/Aerospace<br>Workforce Development<br>Initiative    | \$ | 4,000,000  | \$ | 4,000,000  | 33369 |
| 5JC0                               | 235685 | Manufacturing<br>Workforce Development<br>Initiative        | \$ | 2,000,000  | \$ | 0          | 33370 |
| TOTAL GSF General Services         |        |                                                             |    |            |    |            | 33371 |
| Fund Group                         |        |                                                             | \$ | 15,102,845 | \$ | 13,102,845 | 33372 |
| Federal Special Revenue Fund Group |        |                                                             |    |            |    |            | 33373 |
| 3120                               | 235612 | Carl D. Perkins<br>Grant/Plan<br>Administration             | \$ | 1,350,000  | \$ | 1,350,000  | 33374 |
| 3120                               | 235617 | Improving Teacher<br>Quality Grant                          | \$ | 3,200,000  | \$ | 3,200,000  | 33375 |
| 3120                               | 235641 | Adult Basic and<br>Literacy Education -<br>Federal          | \$ | 14,835,671 | \$ | 14,835,671 | 33376 |
| 3120                               | 235672 | H-1B Tech Skills<br>Training                                | \$ | 1,100,000  | \$ | 1,100,000  | 33377 |
| 3BW0                               | 235630 | Indirect Cost<br>Recovery - Federal                         | \$ | 50,000     | \$ | 50,000     | 33378 |
| 3H20                               | 235608 | Human Services<br>Project                                   | \$ | 1,000,000  | \$ | 1,000,000  | 33379 |
| TOTAL FED Federal Special Revenue  |        |                                                             |    |            |    |            | 33380 |
| Fund Group                         |        |                                                             | \$ | 21,535,671 | \$ | 21,535,671 | 33381 |
| State Special Revenue Fund Group   |        |                                                             |    |            |    |            | 33382 |
| 4E80                               | 235602 | Higher Educational<br>Facility Commission<br>Administration | \$ | 29,100     | \$ | 29,100     | 33383 |
| 4X10                               | 235674 | Telecommunity and                                           | \$ | 49,150     | \$ | 49,150     | 33384 |

|                                                                     |        |                                                  |    |                          |    |                          |       |
|---------------------------------------------------------------------|--------|--------------------------------------------------|----|--------------------------|----|--------------------------|-------|
|                                                                     |        | Distance Learning                                |    |                          |    |                          |       |
| 5D40                                                                | 235675 | Conferences/Special Purposes                     | \$ | 1,884,095                | \$ | 1,884,095                | 33385 |
| 5FR0                                                                | 235643 | Making Opportunity Affordable                    | \$ | 230,000                  | \$ | 230,000                  | 33386 |
| 5P30                                                                | 235663 | Variable Savings Plan                            | \$ | 8,066,920                | \$ | 8,104,370                | 33387 |
| 6450                                                                | 235664 | Guaranteed Savings Plan                          | \$ | 1,290,718                | \$ | 1,303,129                | 33388 |
| 6820                                                                | 235606 | Nursing Loan Program                             | \$ | 891,320                  | \$ | 891,320                  | 33389 |
| TOTAL SSR State Special Revenue Fund Group                          |        |                                                  |    |                          |    |                          | 33390 |
|                                                                     |        |                                                  | \$ | 12,441,303               | \$ | 12,491,164               | 33391 |
| Third Frontier Research & Development Fund Group                    |        |                                                  |    |                          |    |                          | 33392 |
| 7011                                                                | 235634 | Research Incentive                               | \$ | 8,000,000                | \$ | 8,000,000                | 33393 |
| Third Frontier Fund                                                 |        |                                                  |    |                          |    |                          |       |
| TOTAL                                                               | 011    | Third Frontier Research & Development Fund Group | \$ | 8,000,000                | \$ | 8,000,000                | 33394 |
| TOTAL ALL BUDGET FUND GROUPS                                        |        |                                                  |    |                          |    |                          |       |
|                                                                     |        |                                                  | \$ | <del>2,388,142,449</del> | \$ | <del>2,434,489,842</del> | 33395 |
|                                                                     |        |                                                  |    | <u>2,382,342,449</u>     |    | <u>2,434,589,842</u>     |       |
| <b>Sec. 365.10. DRC DEPARTMENT OF REHABILITATION AND CORRECTION</b> |        |                                                  |    |                          |    |                          | 33397 |
| General Revenue Fund                                                |        |                                                  |    |                          |    |                          | 33398 |
| GRF                                                                 | 501321 | Institutional Operations                         | \$ | <del>883,768,015</del>   | \$ | <del>873,724,802</del>   | 33399 |
|                                                                     |        |                                                  |    | <u>895,799,933</u>       |    | <u>900,215,085</u>       |       |
| GRF                                                                 | 501403 | Prisoner Compensation                            | \$ | 6,000,000                | \$ | 6,000,000                | 33400 |
| GRF                                                                 | 501405 | Halfway House                                    | \$ | <del>45,049,356</del>    | \$ | <del>46,024,108</del>    | 33401 |
|                                                                     |        |                                                  |    | <u>48,399,340</u>        |    | <u>51,197,937</u>        |       |
| GRF                                                                 | 501406 | Lease Rental Payments                            | \$ | <del>104,099,500</del>   | \$ | 99,534,800               | 33402 |
|                                                                     |        |                                                  |    | <u>103,099,500</u>       |    |                          |       |
| GRF                                                                 | 501407 | Community Nonresidential Programs                | \$ | 34,187,858               | \$ | 34,314,390               | 33403 |
| GRF                                                                 | 501408 | Community Misdemeanor                            | \$ | 12,856,800               | \$ | 12,856,800               | 33404 |

|           |                       |                             |    |                          |    |                          |       |
|-----------|-----------------------|-----------------------------|----|--------------------------|----|--------------------------|-------|
|           |                       | Programs                    |    |                          |    |                          |       |
| GRF       | 501501                | Community Residential       | \$ | <del>63,345,972</del>    | \$ | <del>66,150,781</del>    | 33405 |
|           |                       | Programs - CBCF             |    | <u>64,224,472</u>        |    | <u>69,453,455</u>        |       |
| GRF       | 503321                | Parole and Community        | \$ | <del>64,480,938</del>    | \$ | <del>65,029,680</del>    | 33406 |
|           |                       | Operations                  |    | <u>66,102,094</u>        |    | <u>71,676,403</u>        |       |
| GRF       | 504321                | Administrative              | \$ | 20,659,664               | \$ | 20,907,476               | 33407 |
|           |                       | Operations                  |    |                          |    |                          |       |
| GRF       | 505321                | Institution Medical         | \$ | <del>243,289,774</del>   | \$ | <del>254,139,452</del>   | 33408 |
|           |                       | Services                    |    | <u>239,397,895</u>       |    | <u>251,994,058</u>       |       |
| GRF       | 506321                | Institution Education       | \$ | 19,102,051               | \$ | 19,112,418               | 33409 |
|           |                       | Services                    |    |                          |    |                          |       |
| TOTAL GRF | General Revenue Fund  |                             | \$ | <del>1,496,839,928</del> | \$ | <del>1,497,794,707</del> | 33410 |
|           |                       |                             |    | <u>1,509,829,607</u>     |    | <u>1,537,262,822</u>     |       |
|           |                       | General Services Fund Group |    |                          |    |                          | 33411 |
| 1480      | 501602                | Institutional               | \$ | 3,139,577                | \$ | 3,139,577                | 33412 |
|           |                       | Services                    |    |                          |    |                          |       |
| 2000      | 501607                | Ohio Penal Industries       | \$ | 41,393,226               | \$ | 40,609,872               | 33413 |
| 4830      | 501605                | Property Receipts           | \$ | 582,086                  | \$ | 582,086                  | 33414 |
| 4B00      | 501601                | Sewer Treatment             | \$ | 2,023,671                | \$ | 2,067,214                | 33415 |
|           |                       | Services                    |    |                          |    |                          |       |
| 4D40      | 501603                | Prisoner Programs           | \$ | 17,499,255               | \$ | 17,499,255               | 33416 |
| 4L40      | 501604                | Transitional Control        | \$ | 1,113,120                | \$ | 1,113,120                | 33417 |
| 4S50      | 501608                | Education Services          | \$ | 4,114,782                | \$ | 4,114,782                | 33418 |
| 5710      | 501606                | Training Academy            | \$ | 125,000                  | \$ | 125,000                  | 33419 |
|           |                       | Receipts                    |    |                          |    |                          |       |
| 5930      | 501618                | Laboratory Services         | \$ | 3,750,000                | \$ | 0                        | 33420 |
| 5AF0      | 501609                | State and Non-Federal       | \$ | 1,440,000                | \$ | 1,440,000                | 33421 |
|           |                       | Awards                      |    |                          |    |                          |       |
| 5H80      | 501617                | Offender Financial          | \$ | 2,000,000                | \$ | 2,000,000                | 33422 |
|           |                       | Responsibility              |    |                          |    |                          |       |
| 5L60      | 501611                | Information                 | \$ | 250,000                  | \$ | 250,000                  | 33423 |
|           |                       | Technology Services         |    |                          |    |                          |       |
| TOTAL GSF | General Services Fund |                             | \$ | 77,430,717               | \$ | 72,940,906               | 33424 |

Group

|                                    |    |                          |    |                          |       |
|------------------------------------|----|--------------------------|----|--------------------------|-------|
| Federal Special Revenue Fund Group |    |                          |    | 33425                    |       |
| 3230 501619 Federal Grants         | \$ | 7,132,943                | \$ | 7,132,943                | 33426 |
| TOTAL FED Federal Special Revenue  |    |                          |    | 33427                    |       |
| Fund Group                         | \$ | 7,132,943                | \$ | 7,132,943                | 33428 |
| TOTAL ALL BUDGET FUND GROUPS       | \$ | <del>1,581,403,588</del> | \$ | <del>1,577,868,556</del> | 33429 |
|                                    |    | <u>1,594,393,267</u>     |    | <u>1,617,336,671</u>     |       |

TRANSFER OF OPERATING APPROPRIATIONS TO IMPLEMENT CRIMINAL 33430  
SENTENCING REFORMS 33431

For the purposes of implementing criminal sentencing reforms, 33432  
and notwithstanding any other provision of law to the contrary, 33433  
the Director of Budget and Management, at the request of the 33434  
Director of Rehabilitation and Correction, may transfer up to 33435  
\$14,000,000 in appropriations, in each of fiscal years 2014 and 33436  
2015, from appropriation item 501321, Institutional Operations, to 33437  
any combination of appropriation items 501405, Halfway House; 33438  
501407, Community Residential Programs; 501408, Community 33439  
Misdemeanor Programs; and 501501, Community Residential Programs - 33440  
CBCF. 33441

LEASE RENTAL PAYMENTS 33442

The foregoing appropriation item 501406, Lease Rental 33443  
Payments, shall be used to meet all payments at the times they are 33444  
required to be made during the period from July 1, 2013, through 33445  
June 30, 2015, by the Department of Rehabilitation and Correction 33446  
under the primary leases and agreements for those buildings made 33447  
under Chapters 152. and 154. of the Revised Code. These 33448  
appropriations are the source of funds pledged for bond service 33449  
charges on related obligations issued under Chapters 152. and 154. 33450  
of the Revised Code. 33451

OSU MEDICAL CHARGES 33452

Notwithstanding section 341.192 of the Revised Code, at the 33453



request of the Department of Rehabilitation and Correction, The 33454  
Ohio State University Medical Center, including the Arthur G. 33455  
James Cancer Hospital and Richard J. Solove Research Institute and 33456  
the Richard M. Ross Heart Hospital, shall provide necessary care 33457  
to persons who are confined in state adult correctional 33458  
facilities. The provision of necessary care shall be billed to the 33459  
Department at a rate not to exceed the authorized reimbursement 33460  
rate for the same service established by the Department of 33461  
Medicaid under the Medicaid Program. 33462

CORRECTIVE CASH TRANSFER 33463

At the request of the Director of Rehabilitation and 33464  
Correction, the Director of Budget and Management may transfer an 33465  
amount not to exceed \$2,391 in cash that was mistakenly deposited 33466  
in the Federal Grants Fund (Fund 3230) to the General Revenue 33467  
Fund. 33468

**Sec. 395.10. TAX DEPARTMENT OF TAXATION** 33469

General Revenue Fund 33470

|            |                    |    |            |    |            |       |
|------------|--------------------|----|------------|----|------------|-------|
| GRF 110321 | Operating Expenses | \$ | 72,568,330 | \$ | 67,968,332 | 33471 |
|------------|--------------------|----|------------|----|------------|-------|

|            |                    |    |         |    |         |       |
|------------|--------------------|----|---------|----|---------|-------|
| GRF 110404 | Tobacco Settlement | \$ | 178,200 | \$ | 178,200 | 33472 |
|------------|--------------------|----|---------|----|---------|-------|

Enforcement

|            |              |    |                        |    |                        |       |
|------------|--------------|----|------------------------|----|------------------------|-------|
| GRF 110901 | Property Tax | \$ | <del>666,640,000</del> | \$ | <del>678,255,600</del> | 33473 |
|------------|--------------|----|------------------------|----|------------------------|-------|

|  |                       |  |                    |  |                    |  |
|--|-----------------------|--|--------------------|--|--------------------|--|
|  | Allocation - Taxation |  | <u>658,640,000</u> |  | <u>673,255,600</u> |  |
|--|-----------------------|--|--------------------|--|--------------------|--|

|                                |    |                        |    |                        |       |
|--------------------------------|----|------------------------|----|------------------------|-------|
| TOTAL GRF General Revenue Fund | \$ | <del>739,386,530</del> | \$ | <del>746,402,132</del> | 33474 |
|--------------------------------|----|------------------------|----|------------------------|-------|

|  |  |  |                    |  |                    |  |
|--|--|--|--------------------|--|--------------------|--|
|  |  |  | <u>731,386,530</u> |  | <u>741,402,132</u> |  |
|--|--|--|--------------------|--|--------------------|--|

General Services Fund Group 33475

|             |                     |    |            |    |                       |       |
|-------------|---------------------|----|------------|----|-----------------------|-------|
| 2280 110628 | Revenue Enhancement | \$ | 15,500,000 | \$ | <del>17,500,000</del> | 33476 |
|-------------|---------------------|----|------------|----|-----------------------|-------|

|  |  |  |  |  |                   |  |
|--|--|--|--|--|-------------------|--|
|  |  |  |  |  | <u>17,100,000</u> |  |
|--|--|--|--|--|-------------------|--|

|             |                   |    |         |    |         |       |
|-------------|-------------------|----|---------|----|---------|-------|
| 4330 110602 | Tape File Account | \$ | 175,000 | \$ | 175,000 | 33477 |
|-------------|-------------------|----|---------|----|---------|-------|

|             |                |    |         |    |         |       |
|-------------|----------------|----|---------|----|---------|-------|
| 5BP0 110639 | Wireless 9-1-1 | \$ | 290,000 | \$ | 290,000 | 33478 |
|-------------|----------------|----|---------|----|---------|-------|

Administration

|                                  |        |                                         |    |            |    |                                            |       |
|----------------------------------|--------|-----------------------------------------|----|------------|----|--------------------------------------------|-------|
| 5CZ0                             | 110631 | Vendor's License<br>Application         | \$ | 250,000    | \$ | 250,000                                    | 33479 |
| 5MN0                             | 110638 | STARS Development and<br>Implementation | \$ | 5,000,000  | \$ | 3,000,000                                  | 33480 |
| 5N50                             | 110605 | Municipal Income Tax<br>Administration  | \$ | 150,000    | \$ | 150,000                                    | 33481 |
| 5N60                             | 110618 | Kilowatt Hour Tax<br>Administration     | \$ | 100,000    | \$ | 100,000                                    | 33482 |
| 5V80                             | 110623 | Property Tax<br>Administration          | \$ | 11,978,310 | \$ | <del>11,978,310</del><br><u>11,178,310</u> | 33483 |
| 5W70                             | 110627 | Exempt Facility<br>Administration       | \$ | 49,500     | \$ | 49,500                                     | 33484 |
| TOTAL GSF General Services       |        |                                         |    |            |    |                                            | 33485 |
| Fund Group                       |        |                                         | \$ | 33,492,810 | \$ | <del>33,492,810</del><br><u>32,292,810</u> | 33486 |
| State Special Revenue Fund Group |        |                                         |    |            |    |                                            | 33487 |
| 4350                             | 110607 | Local Tax<br>Administration             | \$ | 20,000,000 | \$ | <del>20,700,000</del><br><u>20,300,000</u> | 33488 |
| 4360                             | 110608 | Motor Vehicle Audit                     | \$ | 1,459,609  | \$ | 1,459,609                                  | 33489 |
| 4370                             | 110606 | Income Tax<br>Contribution              | \$ | 38,800     | \$ | 38,800                                     | 33490 |
| 4380                             | 110609 | School District Income<br>Tax           | \$ | 5,802,044  | \$ | <del>5,802,044</del><br><u>5,402,044</u>   | 33491 |
| 4C60                             | 110616 | International<br>Registration Plan      | \$ | 682,415    | \$ | 682,415                                    | 33492 |
| 4R60                             | 110610 | Tire Tax<br>Administration              | \$ | 244,193    | \$ | 244,193                                    | 33493 |
| 5V70                             | 110622 | Motor Fuel Tax<br>Administration        | \$ | 5,035,374  | \$ | 5,035,374                                  | 33494 |
| 6390                             | 110614 | Cigarette Tax<br>Enforcement            | \$ | 1,750,000  | \$ | 1,750,000                                  | 33495 |
| 6420                             | 110613 | Ohio Political Party<br>Distributions   | \$ | 500,000    | \$ | 500,000                                    | 33496 |

|                                           |                                                                    |    |                          |    |                          |       |
|-------------------------------------------|--------------------------------------------------------------------|----|--------------------------|----|--------------------------|-------|
| 6880 110615                               | Local Excise Tax                                                   | \$ | 775,015                  | \$ | 775,015                  | 33497 |
|                                           | Administration                                                     |    |                          |    |                          |       |
| TOTAL SSR State Special Revenue           |                                                                    |    |                          |    |                          | 33498 |
| Fund Group                                |                                                                    | \$ | 36,287,450               | \$ | <del>36,987,450</del>    | 33499 |
|                                           |                                                                    |    |                          |    | <u>36,187,450</u>        |       |
| Agency Fund Group                         |                                                                    |    |                          |    |                          | 33500 |
| 4250 110635                               | Tax Refunds                                                        | \$ | 1,546,800,000            | \$ | 1,546,800,000            | 33501 |
| 7095 110995                               | Municipal Income Tax                                               | \$ | 21,000,000               | \$ | 21,000,000               | 33502 |
| TOTAL AGY Agency Fund Group               |                                                                    | \$ | 1,567,800,000            | \$ | 1,567,800,000            | 33503 |
| Holding Account Redistribution Fund Group |                                                                    |    |                          |    |                          | 33504 |
| R010 110611                               | Tax Distributions                                                  | \$ | 50,000                   | \$ | 50,000                   | 33505 |
| R011 110612                               | Miscellaneous Income                                               | \$ | 50,000                   | \$ | 50,000                   | 33506 |
|                                           | Tax Receipts                                                       |    |                          |    |                          |       |
| TOTAL 090 Holding Account                 |                                                                    |    |                          |    |                          | 33507 |
| Redistribution Fund Group                 |                                                                    | \$ | 100,000                  | \$ | 100,000                  | 33508 |
| TOTAL ALL BUDGET FUND GROUPS              |                                                                    | \$ | <del>2,377,066,790</del> | \$ | <del>2,384,782,392</del> | 33509 |
|                                           |                                                                    |    | <u>2,369,066,790</u>     |    | <u>2,377,782,392</u>     |       |
|                                           | HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK                         |    |                          |    |                          | 33510 |
|                                           | The foregoing appropriation item 110901, Property Tax              |    |                          |    |                          | 33511 |
|                                           | Allocation - Taxation, is hereby appropriated to pay for the       |    |                          |    |                          | 33512 |
|                                           | state's costs incurred due to the Homestead Exemption, the         |    |                          |    |                          | 33513 |
|                                           | Manufactured Home Property Tax Rollback, and the Property Tax      |    |                          |    |                          | 33514 |
|                                           | Rollback. The Tax Commissioner shall distribute these funds        |    |                          |    |                          | 33515 |
|                                           | directly to the appropriate local taxing districts, except for     |    |                          |    |                          | 33516 |
|                                           | school districts, notwithstanding the provisions in sections       |    |                          |    |                          | 33517 |
|                                           | 321.24 and 323.156 of the Revised Code, which provide for payment  |    |                          |    |                          | 33518 |
|                                           | of the Homestead Exemption, the Manufactured Home Property Tax     |    |                          |    |                          | 33519 |
|                                           | Rollback, and Property Tax Rollback by the Tax Commissioner to the |    |                          |    |                          | 33520 |
|                                           | appropriate county treasurer and the subsequent redistribution of  |    |                          |    |                          | 33521 |
|                                           | these funds to the appropriate local taxing districts by the       |    |                          |    |                          | 33522 |
|                                           | county auditor.                                                    |    |                          |    |                          | 33523 |
|                                           | Upon receipt of these amounts, each local taxing district          |    |                          |    |                          | 33524 |

shall distribute the amount among the proper funds as if it had 33525  
been paid as real property taxes. Payments for the costs of 33526  
administration shall continue to be paid to the county treasurer 33527  
and county auditor as provided for in sections 319.54, 321.26, and 33528  
323.156 of the Revised Code. 33529

Any sums, in addition to the amounts specifically 33530  
appropriated in appropriation item 110901, Property Tax Allocation 33531  
- Taxation, for the Homestead Exemption, the Manufactured Home 33532  
Property Tax Rollback, and the Property Tax Rollback payments, 33533  
which are determined to be necessary for these purposes, are 33534  
hereby appropriated. 33535

MUNICIPAL INCOME TAX 33536

The foregoing appropriation item 110995, Municipal Income 33537  
Tax, shall be used to make payments to municipal corporations 33538  
under section 5745.05 of the Revised Code. If it is determined 33539  
that additional appropriations are necessary to make such 33540  
payments, such amounts are hereby appropriated. 33541

TAX REFUNDS 33542

The foregoing appropriation item 110635, Tax Refunds, shall 33543  
be used to pay refunds under section 5703.052 of the Revised Code. 33544  
If it is determined that additional appropriations are necessary 33545  
for this purpose, such amounts are hereby appropriated. 33546

INTERNATIONAL REGISTRATION PLAN AUDIT 33547

The foregoing appropriation item 110616, International 33548  
Registration Plan, shall be used under section 5703.12 of the 33549  
Revised Code for audits of persons with vehicles registered under 33550  
the International Registration Plan. 33551

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT 33552

Of the foregoing appropriation item 110607, Local Tax 33553  
Administration, the Tax Commissioner may disburse funds, if 33554

available, for the purposes of paying travel expenses incurred by 33555  
members of Ohio's delegation to the Streamlined Sales Tax Project, 33556  
as appointed under section 5740.02 of the Revised Code. Any travel 33557  
expense reimbursement paid for by the Department of Taxation shall 33558  
be done in accordance with applicable state laws and guidelines. 33559

TOBACCO SETTLEMENT ENFORCEMENT 33560

The foregoing appropriation item 110404, Tobacco Settlement 33561  
Enforcement, shall be used by the Tax Commissioner to pay costs 33562  
incurred in the enforcement of divisions (F) and (G) of section 33563  
5743.03 of the Revised Code. 33564

STARS DEVELOPMENT AND IMPLEMENTATION FUND 33565

The foregoing appropriation item 110638, STARS Development 33566  
and Implementation Fund, shall be used to pay costs incurred in 33567  
the development and implementation of the department's State Tax 33568  
Accounting and Revenue System. The Director of Budget and 33569  
Management, under a plan submitted by the Tax Commissioner, or as 33570  
otherwise determined by the Director of Budget and Management, 33571  
shall set a schedule to transfer cash from the Tax Reform System 33572  
Implementation Fund, Local Tax Administration Fund, School 33573  
District Income Tax Fund, Discovery Project Fund, and the Motor 33574  
Fuel Tax Administration Fund to the credit of the STARS 33575  
Development and Implementation Fund (Fund 5MN0). The transfers of 33576  
cash shall not exceed \$8,000,000 in the biennium. 33577

**Sec. 403.10.** DVS DEPARTMENT OF VETERANS SERVICES 33578

General Revenue Fund 33579

|     |        |                   |    |            |    |                       |       |
|-----|--------|-------------------|----|------------|----|-----------------------|-------|
| GRF | 900321 | Veterans' Homes   | \$ | 27,369,946 | \$ | <del>27,369,946</del> | 33580 |
|     |        |                   |    |            |    | <u>26,992,608</u>     |       |
| GRF | 900402 | Hall of Fame      | \$ | 107,075    | \$ | 107,075               | 33581 |
| GRF | 900408 | Department of     | \$ | 2,001,823  | \$ | <del>2,001,823</del>  | 33582 |
|     |        | Veterans Services |    |            |    | <u>2,379,161</u>      |       |

|             |                                                                        |               |               |                |
|-------------|------------------------------------------------------------------------|---------------|---------------|----------------|
| GRF 900901  | Persian Gulf,<br>Afghanistan, and Iraq<br>Compensation Debt<br>Service | \$ 7,542,600  | \$ 9,914,800  | 33583          |
| TOTAL GRF   | General Revenue Fund                                                   | \$ 37,021,444 | \$ 39,393,644 | 33584          |
|             | General Services Fund Group                                            |               |               | 33585          |
| 4840 900603 | Veterans' Homes<br>Services                                            | \$ 1,596,894  | \$ 1,596,894  | 33586          |
| TOTAL GSF   | General Services Fund<br>Group                                         | \$ 1,596,894  | \$ 1,596,894  | 33587          |
|             | Federal Special Revenue Fund Group                                     |               |               | 33588          |
| 3680 900614 | Veterans Training                                                      | \$ 684,017    | \$ 697,682    | 33589          |
| 3740 900606 | Troops to Teachers                                                     | \$ 111,822    | \$ 111,879    | 33590          |
| 3BX0 900609 | Medicare Services                                                      | \$ 2,250,000  | \$ 2,250,000  | 33591          |
| 3L20 900601 | Veterans' Homes<br>Operations - Federal                                | \$ 24,887,790 | \$ 25,634,423 | 33592          |
| TOTAL FED   | Federal Special Revenue<br>Fund Group                                  | \$ 27,933,629 | \$ 28,693,984 | 33593<br>33594 |
|             | State Special Revenue Fund Group                                       |               |               | 33595          |
| 4E20 900602 | Veterans' Homes<br>Operating                                           | \$ 10,614,652 | \$ 10,837,435 | 33596          |
| 6040 900604 | Veterans' Homes<br>Improvement                                         | \$ 403,663    | \$ 459,359    | 33597          |
| TOTAL SSR   | State Special Revenue<br>Fund Group                                    | \$ 11,018,315 | \$ 11,296,794 | 33598<br>33599 |
|             | Persian Gulf, Afghanistan, and Iraq Compensation Fund Group            |               |               | 33600          |
| 7041 900615 | Veteran Bonus Program<br>- Administration                              | \$ 738,703    | \$ 629,709    | 33601          |
| 7041 900641 | Persian Gulf,<br>Afghanistan, and Iraq<br>Compensation                 | \$ 14,500,000 | \$ 9,400,000  | 33602          |
| TOTAL 041   | Persian Gulf,                                                          |               |               | 33603          |

|                              |    |            |    |            |       |
|------------------------------|----|------------|----|------------|-------|
| Afghanistan, and Iraq        |    |            |    | 33604      |       |
| Compensation Fund Group      | \$ | 15,238,703 | \$ | 10,029,709 | 33605 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 92,808,985 | \$ | 91,011,025 | 33606 |

PERSIAN GULF, AFGHANISTAN AND IRAQ COMPENSATION GENERAL 33607  
OBLIGATION DEBT SERVICE 33608

The foregoing appropriation item 900901, Persian Gulf, 33609  
Afghanistan and Iraq Compensation Debt Service, shall be used to 33610  
pay all debt service and related financing costs during the period 33611  
from July 1, 2013, through June 30, 2015, on obligations issued 33612  
for Persian Gulf, Afghanistan and Iraq Conflicts Compensation 33613  
purposes under sections 151.01 and 151.12 of the Revised Code. 33614

**Sec. 512.70. PROHIBITION ON TRANSFERS FISCAL YEAR 2014** 33615  
GENERAL REVENUE FUND ENDING BALANCE 33616

Notwithstanding section 131.44 of the Revised Code, ~~cash~~ 33617  
~~shall not be transferred to the Income Tax Reduction Fund prior to~~ 33618  
~~July 1, 2015~~ of the surplus revenue, as that term is defined in 33619  
that section, that exists on June 30, 2014, after the transfer of 33620  
cash to the Budget Stabilization Fund (Fund 7013) required under 33621  
division (B)(1)(a) of section 131.44 of the Revised Code, up to 33622  
\$300,000,000 cash shall be transferred by the Director of Budget 33623  
and Management from the General Revenue Fund to the Medicaid 33624  
Reserve Fund (Fund 5Y80). 33625

Any cash from the surplus revenue remaining after this 33626  
transfer shall be reserved in the General Revenue Fund. 33627

**Sec. 512.80. DIESEL EMISSIONS REDUCTION GRANT PROGRAM** 33628

There is hereby established in the Highway Operating Fund 33629  
(Fund 7002), used by the Department of Transportation, a Diesel 33630  
Emissions Reduction Grant Program. The Director of Environmental 33631  
Protection shall administer the program and shall solicit, 33632  
evaluate, score, and select projects submitted by public and 33633

private entities that are eligible for the federal Congestion 33634  
Mitigation and Air Quality (CMAQ) Program. The Director of 33635  
Transportation shall process Federal Highway 33636  
Administration-approved projects as recommended by the Director of 33637  
Environmental Protection. 33638

In addition to the allowable expenditures set forth in 33639  
section 122.861 of the Revised Code, Diesel Emissions Reduction 33640  
Grant Program funds also may be used to fund projects involving 33641  
the purchase or use of hybrid and alternative fuel vehicles that 33642  
are allowed under guidance developed by the Federal Highway 33643  
Administration for the CMAQ Program. 33644

Public entities eligible to receive funds under section 33645  
122.861 of the Revised Code and CMAQ shall be reimbursed from 33646  
moneys in the Highway Operating Fund (Fund 7002) designated for 33647  
the Department of Transportation's Diesel Emissions Reduction 33648  
Grant Program. 33649

Private entities eligible to receive funds under section 33650  
122.861 of the Revised Code and CMAQ shall be reimbursed through 33651  
transfers of cash from moneys in the Highway Operating Fund (Fund 33652  
7002) designated for the Department of Transportation's Diesel 33653  
Emissions Reduction Grant Program to the Diesel Emissions 33654  
Reduction Fund (Fund 3FH0), used by the Environmental Protection 33655  
Agency, or at the direction of the local public agency sponsor and 33656  
upon approval of the Department of Transportation, through direct 33657  
payments to the vendor in the prorated share of federal/state 33658  
participation. Total expenditures between both the Environmental 33659  
Protection Agency from appropriation item 715693, Diesel Emissions 33660  
Reduction Grants and the Department of Transportation from the 33661  
Highway Operating Fund (Fund 7002) for the Diesel Emissions 33662  
Reduction Grant Program shall not exceed ~~the amounts appropriated~~ 33663  
~~in this act for appropriation item 715693, Diesel Emissions~~ 33664  
~~Reduction Grants~~ \$10,000,000 in FY 2014 and \$10,000,000 in FY 33665



2015. 33666

On or before June 30, 2014, the Director of Environmental 33667  
Protection may certify to the Director of Budget and Management 33668  
the amount of any unencumbered balance of the foregoing 33669  
appropriation item 715693, Diesel Emissions Reduction Grants, for 33670  
fiscal year 2014 to be used for the same purpose in fiscal year 33671  
2015. Once the certification permitted under this section has been 33672  
submitted and approved by the Director of Budget and Management, 33673  
the amount approved ~~is hereby~~ may be appropriated for fiscal year 33674  
2015. 33675

Any cash transfers or allocations under this section 33676  
represent CMAQ program moneys within the Department of 33677  
Transportation for use by the Diesel Emissions Reduction Grant 33678  
Program by the Environmental Protection Agency. These allocations 33679  
shall not reduce the amount of such moneys designated for 33680  
metropolitan planning organizations. 33681

The Director of Environmental Protection, in consultation 33682  
with the ~~directors of Development Services and~~ Director of 33683  
Transportation, shall develop guidance for the distribution of 33684  
funds and for the administration of the Diesel Emissions Reduction 33685  
Grant Program. The guidance shall include a method of 33686  
prioritization for projects, acceptable technologies, and 33687  
procedures for awarding grants. 33688

**Sec. 751.10. RECOVERY REQUIRES A COMMUNITY PROGRAM** 33689

The Department of Mental Health and Addiction Services, in 33690  
consultation with the Department of Medicaid, shall administer the 33691  
Recovery Requires a Community Program to identify individuals 33692  
residing in nursing facilities who can be successfully moved into 33693  
a community setting with the aid of community non-Medicaid 33694  
services. 33695

The Director of Mental Health and Addiction Services and the Medicaid Director shall agree upon an amount representing the savings realized from decreased nursing facility utilization to be transferred within the biennium from the Department of Medicaid to the Department of Mental Health and Addiction Services to support non-Medicaid program costs for individuals moving into community settings.

~~Of the foregoing appropriation item 651525, Medicaid/Health Care Services, the Medicaid Director shall transfer the amount agreed upon representing the savings from the General Revenue Fund to the Sale of Goods and Services Fund (Fund 1490). The transfer shall be made using an intrastate transfer voucher. The transferred cash is hereby appropriated to appropriation item 335609, Community Operating/Planning.~~

The Director of Mental Health and Addiction Services and the Medicaid Director shall certify the agreed upon amount to the Director of Budget and Management. Upon receipt of the certification, the Director of Budget and Management may increase appropriation item 335504, Community Innovations, up to the amount of the certification and decrease appropriation item 651525, Medicaid/Health Care Services, by an equal amount.

**Section 610.21.** That existing Sections 207.10, 209.30, 221.10, 241.10, 257.10, 257.20, 259.10, 259.210, 263.10, 263.230, 263.240, 263.250, 263.270, 263.320, 263.325, 275.10, 282.10, 282.30, 285.10, 285.20, 301.10, 301.33, 301.40, 301.143, 327.10, 327.83, 333.10, 340.10, 349.10, 359.10, 363.10, 365.10, 395.10, 403.10, 512.70, 512.80, and 751.10 of Am. Sub. H.B. 59 of the 130th General Assembly are hereby repealed.

**Section 630.10.** That Sections 207.100, 207.250, 207.340, 207.440, 223.10, 239.10, 253.330, 269.10, and 701.50 of Am. H.B.

497 of the 130th General Assembly be amended to read as follows: 33726

**Sec. 207.100. CCC CUYAHOGA COMMUNITY COLLEGE** 33727

Higher Education Improvement Fund (Fund 7034) 33728

C37838 Structural Concrete Repairs \$ 7,000,000 33729

C37839 Roof Repair and Replacements \$ 2,900,000 33730

C37840 Workforce Economic Development \$ 1,700,000 33731  
Renovations

C37841 St. Vincent Charity Medical Center - \$ 500,000 33732  
Geriatric Behavioral Health Project

C37842 Playhouse Square Ohio Theatre \$ 1,500,000 33733

C37843 Cleveland Museum of Art - Final Phase \$ 2,000,000 33734

C37844 Rock and Roll Hall of Fame \$ 1,060,522 33735

TOTAL Higher Education Improvement Fund \$ ~~15,600,000~~ 33736

16,660,522

TOTAL ALL FUNDS \$ ~~15,600,000~~ 33737

16,660,522

**Sec. 207.250. OTC OWENS COMMUNITY COLLEGE** 33739

Higher Education Improvement Fund (Fund 7034) 33740

C38816 Penta Renovations \$ 4,750,000 33741

C38826 College Hall Renovation \$ 750,000 33742

C38827 Manufacturing Training Simulators \$ 290,000 33743

C38828 ProMedica Transformative Low Income \$ 250,000 33744

Medical Senior Housing

TOTAL Higher Education Improvement Fund \$ ~~5,790,000~~ 33745

6,040,000

TOTAL ALL FUNDS \$ ~~5,790,000~~ 33746

6,040,000

**Sec. 207.340. UTO UNIVERSITY OF TOLEDO** 33748

Higher Education Improvement Fund (Fund 7034) 33749

|                                         |                                                                                    |               |                                            |       |
|-----------------------------------------|------------------------------------------------------------------------------------|---------------|--------------------------------------------|-------|
| C34058                                  | Campus Energy Cost Reduction Project                                               | \$            | 1,500,000                                  | 33750 |
| C34067                                  | Anatomy Specimen Storage Facility                                                  | \$            | 3,500,000                                  | 33751 |
| C34068                                  | Academic Technology and Renovation<br>Projects                                     | \$            | 3,000,000                                  | 33752 |
| C34069                                  | Campus Infrastructure Improvements                                                 | \$            | 3,000,000                                  | 33753 |
| C34070                                  | NW Ohio Plastics Training Center                                                   | \$            | 2,000,000                                  | 33754 |
| C34071                                  | Elevator Safety Repairs and Replacements                                           | \$            | 2,000,000                                  | 33755 |
| C34072                                  | Building Automation System Upgrades                                                | \$            | 1,500,000                                  | 33756 |
| C34073                                  | Mechanical System Improvements                                                     | \$            | 1,500,000                                  | 33757 |
| C34074                                  | Backbone Core Router Replacements                                                  | \$            | 1,600,000                                  | 33758 |
| C34075                                  | Network Infrastructure Replacement                                                 | \$            | 1,400,000                                  | 33759 |
| C34076                                  | Northwest Ohio Food Partnership Center                                             | \$            | 1,000,000                                  | 33760 |
| C34077                                  | Mercy College Science Facilities<br>Expansion and Renovation                       | \$            | 500,000                                    | 33761 |
| C34078                                  | Northwest Ohio Workforce Development and<br>Advanced Manufacturing Training Center | \$            | 1,000,000                                  | 33762 |
| <del>C34079</del>                       | <del>Promedica Transformative Low Income<br/>Medical Senior Housing</del>          | <del>\$</del> | <del>250,000</del>                         | 33763 |
| TOTAL Higher Education Improvement Fund |                                                                                    | \$            | <del>23,750,000</del><br><u>23,500,000</u> | 33764 |
| TOTAL ALL FUNDS                         |                                                                                    | \$            | <del>23,750,000</del><br><u>23,500,000</u> | 33765 |

**Sec. 207.440.** The Ohio Public Facilities Commission is hereby 33767  
authorized to issue and sell, in accordance with Section 2n of 33768  
Article VIII, Ohio Constitution, and Chapter 151. and particularly 33769  
sections 151.01 and 151.04 of the Revised Code, original 33770  
obligations in an aggregate principal amount not to exceed 33771  
~~\$506,000,000~~ \$507,000,000, in addition to the original issuance of 33772  
obligations heretofore authorized by prior acts of the General 33773  
Assembly. These authorized obligations shall be issued, subject to 33774  
applicable constitutional and statutory limitations, as needed to 33775  
provide sufficient moneys to the credit of the Higher Education 33776

Improvement Fund (Fund 7034) and the Higher Education Improvement 33777  
Taxable Fund (Fund 7024) to pay costs of capital facilities as 33778  
defined in sections 151.01 and 151.04 of the Revised Code for 33779  
state-supported and state-assisted institutions of higher 33780  
education. 33781

**Sec. 223.10. DNR DEPARTMENT OF NATURAL RESOURCES** 33782

Wildlife Fund (Fund 7015) 33783

C725K9 Wildlife Area Building \$ 6,400,000 33784  
Development/Renovations

TOTAL Wildlife Fund \$ 6,400,000 33785

Administrative Building Fund (Fund 7026) 33786

C725D5 Fountain Square Telephone Improvements \$ 2,250,000 33787

C725D7 MARCS Equipment \$ 2,490,150 33788

C725E0 DNR Fairgrounds Areas Upgrading \$ 485,000 33789

C725N7 District Office Renovations \$ 2,000,000 33790

TOTAL Administrative Building Fund \$ 7,225,150 33791

Ohio Parks and Natural Resources Fund (Fund 7031) 33792

C72549 Facilities Development \$ 1,250,000 33793

C72599 State Parks, Campgrounds, Lodges, Cabins \$ 2,600,000 33794

C725C2 Canals Hydraulics Work and Support \$ 200,000 33795  
Facilities

C725E1 Local Parks Projects Statewide \$ 11,366,525 33796

C725E5 Project Planning \$ 2,749,000 33797

C725J0 Natural Areas/Preserves \$ 1,000,000 33798  
Maintenance/Facilities

C725K0 State Park Renovations/Upgrading \$ 13,027,940 33799

C725N5 Wastewater/Water Systems Upgrades \$ 12,055,000 33800

C725N8 Operations Facilities Development \$ 2,500,000 33801

C72501 The Wilds \$ 500,000 33802

C725T3 Healthy Lake Erie Initiative \$ 10,000,000 33803

|                                                                                |                                                                                                                                            |    |             |       |
|--------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|----|-------------|-------|
| C725U0                                                                         | <del>Savanna Ridge Enterprise Zone</del><br>Cleveland <del>Metroparks Zoo</del> <u>Zoological</u><br><u>Society Savannah Ridge Project</u> | \$ | 500,000     | 33804 |
| TOTAL Ohio Parks and Natural Resources Fund                                    |                                                                                                                                            | \$ | 57,748,465  | 33805 |
| Parks and Recreation Improvement Fund (Fund 7035)                              |                                                                                                                                            |    |             | 33806 |
| C725A0                                                                         | State Parks, Campgrounds, Lodges, Cabins                                                                                                   | \$ | 42,050,000  | 33807 |
| C725B2                                                                         | State Park Maintenance Facility<br>Development                                                                                             | \$ | 3,000,000   | 33808 |
| C725B5                                                                         | Buckeye Lake Dam Rehabilitation                                                                                                            | \$ | 4,000,000   | 33809 |
| C725E2                                                                         | Local Parks Projects                                                                                                                       | \$ | 35,639,595  | 33810 |
| C725E6                                                                         | Project Planning                                                                                                                           | \$ | 5,901,000   | 33811 |
| C725M5                                                                         | Lake Erie Island State Park/Middle Bass<br>Island State Park                                                                               | \$ | 6,000,000   | 33812 |
| C725R4                                                                         | Dam Rehabilitation - Parks                                                                                                                 | \$ | 41,100,000  | 33813 |
| TOTAL Parks and Recreation Improvement Fund                                    |                                                                                                                                            | \$ | 137,690,595 | 33814 |
| Clean Ohio Trail Fund (Fund 7061)                                              |                                                                                                                                            |    |             | 33815 |
| C72514                                                                         | Clean Ohio Trail Fund                                                                                                                      | \$ | 12,500,000  | 33816 |
| TOTAL Clean Ohio Trail Fund                                                    |                                                                                                                                            | \$ | 12,500,000  | 33817 |
| Waterways Safety Fund (Fund 7086)                                              |                                                                                                                                            |    |             | 33818 |
| C725A7                                                                         | Cooperative Funding for Boating<br>Facilities                                                                                              | \$ | 9,200,000   | 33819 |
| C725N9                                                                         | Operations Facilities Development                                                                                                          | \$ | 820,000     | 33820 |
| C725Q6                                                                         | Facilities Development                                                                                                                     | \$ | 5,363,274   | 33821 |
| TOTAL Waterways Safety Fund                                                    |                                                                                                                                            | \$ | 15,383,274  | 33822 |
| TOTAL ALL FUNDS                                                                |                                                                                                                                            | \$ | 236,947,484 | 33823 |
| FEDERAL REIMBURSEMENT                                                          |                                                                                                                                            |    |             | 33824 |
| All reimbursements received from the federal government for                    |                                                                                                                                            |    |             | 33825 |
| any expenditures made pursuant to this section shall be deposited              |                                                                                                                                            |    |             | 33826 |
| in the state treasury to the credit of the <del>Parks and Recreation</del>     |                                                                                                                                            |    |             | 33827 |
| <del>Improvement Fund (Fund 7035)</del> <u>fund from which the expenditure</u> |                                                                                                                                            |    |             | 33828 |
| <u>originated.</u>                                                             |                                                                                                                                            |    |             | 33829 |

LOCAL PARK PROJECTS STATEWIDE 33830

Of the foregoing appropriation item C725E1, Local Parks 33831  
Projects Statewide, an amount equal to two per cent of the 33832  
projects listed may be used by the Department of Natural Resources 33833  
for the administration of local projects, \$3,500,000 shall be used 33834  
for the Flats East Gateway and Riverfront Park, \$1,000,000 shall 33835  
be used for the City of Celina Boardwalk, \$1,000,000 shall be used 33836  
for the Middletown River Center, \$1,000,000 shall be used for the 33837  
Voice of America Multi-Purpose Field and Athletic Complex, 33838  
\$1,000,000 shall be used for the Euclid Waterfront Improvements 33839  
Plan - Phase II Implementation, \$875,000 shall be used for the 33840  
Preble County Agricultural Facility Improvements, \$500,000 shall 33841  
be used for the New Economy Neighborhood - Phase II, \$500,000 33842  
shall be used for the Nimisila Spillway Replacement Project, 33843  
\$350,000 shall be used for the Perry Township Park Lakeshore 33844  
Stabilization, \$300,000 shall be used for the Fairfield Sports 33845  
Complex Entrance, \$250,000 shall be used for the Riverfront 33846  
Enhancement, \$250,000 shall be used for the Earl Thomas Conley 33847  
Riverside Park Campground, \$150,000 shall be used for the Treasure 33848  
Island River Corridor Improvement, \$150,000 shall be used for the 33849  
Russ Nature Reserve, \$100,000 shall be used for the Hillsboro 33850  
North High Trail and Pedestrian Bridge, \$100,000 shall be used for 33851  
the PASA Field Lighting, \$100,000 shall be used for the Gallipolis 33852  
Riverfront Project - Phase I, \$80,000 shall be used for the Black 33853  
River Landing Pavilion, \$50,000 shall be used for the Loudonville 33854  
Public Swimming Pool, \$35,000 shall be used for the A.S.K. 33855  
Playground, \$30,000 shall be used for the Medina Community 33856  
Recreation Center, \$25,000 shall be used for the Newbury Veterans' 33857  
Memorial Park, and \$21,525 shall be used for the Black Swamp 33858  
Education Center Parking Lot. 33859

LOCAL PARKS PROJECTS 33860

Of the foregoing appropriation item C725E2, Local Parks 33861

Projects, an amount equal to two per cent of the projects listed 33862  
may be used by the Department of Natural Resources for the 33863  
administration of local projects, \$15,000,000 shall be used for 33864  
the Veterans Memorial, \$5,000,000 shall be used for the City of 33865  
Cleveland - Lakefront Access Project, \$4,000,000 shall be used for 33866  
the Banks Project - Phase IIIA, \$1,500,000 shall be used for the 33867  
Fifth Third Field Sports Plaza, \$1,500,000 shall be used for the 33868  
Lima Stadium Park, \$1,000,000 shall be used for the Little Miami 33869  
Scenic Trail- Bridge Construction, \$500,000 shall be used for the 33870  
Shaker Heights Van Aken District, \$500,000 shall be used for the 33871  
Cascade Plaza Renovation, \$500,000 shall be used for the Olentangy 33872  
Greenway Trail Highbanks Connector, \$500,000 shall be used for 33873  
Hilliard Station Park, \$500,000 shall be used for the MidPointe 33874  
Crossing - Swift Park, \$500,000 shall be used for the Smale 33875  
Riverfront Park, \$500,000 shall be used for the Green Township 33876  
Harrison Avenue Hike/Bike Fitness Trail, \$300,000 shall be used 33877  
for the Historic Loveland Bike Trail Parking Spur, \$400,000 shall 33878  
be used for the City of Sylvania River Trail, \$285,545 shall be 33879  
used for the Celina Westview Park Quad, \$250,000 shall be used for 33880  
the New Bremen Lions Park Development, \$250,000 shall be used for 33881  
the Montgomery County Agricultural Facility Improvements, \$250,000 33882  
shall be used for Northam Park, \$250,000 shall be used for the 33883  
Urban Youth Academy - Roselawn Park, \$250,000 shall be used for 33884  
the Miamisburg Riverfront Park, \$218,000 shall be used for Laurel 33885  
Park, Winesburg, \$165,000 shall be used for the Fredericktown Bike 33886  
Path, \$150,000 shall be used for the Logan County Agricultural 33887  
Facility Improvements, \$150,000 shall be used for the Help All 33888  
Kids Play Hilliard Fields Sports Complex, \$150,000 shall be used 33889  
for York Township Park, \$150,000 shall be used for Eastview Park, 33890  
\$120,000 shall be used for the Shelby County Agricultural Facility 33891  
Improvements, \$100,000 shall be used for the Ohio to Erie Trail, 33892  
\$100,000 shall be used for Mt. Vernon Foundation Park, \$100,000 33893  
shall be used for the Shanes Park Expansion, \$92,000 shall be used 33894



for the Defiance County Agricultural Facility Improvements, 33895  
 \$50,000 shall be used for the Moonville Rail Trail Bridges and 33896  
 Construction, \$50,000 shall be used for the All-Pro Freight 33897  
 Stadium Improvements, \$50,000 shall be used for the Bowling Green 33898  
 Nature Center, \$49,000 shall be used for the Lynchburg Old School 33899  
 Park, \$45,000 shall be used for the Bruce L. Chapin Bridge - 33900  
 Northcoast Inland Trail, \$40,000 shall be used for Pyramid Hill 33901  
 Sculpture Park, \$35,000 shall be used for Coldwater Memorial Park, 33902  
 \$32,300 shall be used for the Norwalk Soccer Shelter, \$30,000 33903  
 shall be used for the Round Town Bike Trail, and \$27,750 shall be 33904  
 used for the Shalersville Park Walking Trail. 33905

**Sec. 239.10. FCC FACILITIES CONSTRUCTION COMMISSION** 33906

Lottery Profits Education Fund (Fund 7017) 33907

C23014 Classroom Facilities Assistance Program \$ 100,000,000 33908  
 - Lottery Profits

TOTAL Lottery Profits Education Fund \$ 100,000,000 33909

Public School Building Fund (Fund 7021) 33910

C230V9 School Security Grants \$ 17,345,000 33911

TOTAL Public School Building Fund \$ 17,345,000 33912

Administrative Building Fund (Fund 7026) 33913

C23016 Energy Conservation Projects \$ 3,000,000 33914

C230E5 State Agency Planning/Assessment \$ 500,000 33915

TOTAL Administrative Building Fund \$ 3,500,000 33916

Cultural and Sports Facilities Building Fund (Fund 7030) 33917

C23022 Woodward Opera House Redevelopment \$ 100,000 33918

C23023 OHS - Ohio History Center Exhibit \$ 840,750 33919  
 Replacement

C23024 OHS - Statewide Site Exhibit Renovation \$ 420,000 33920

C23025 OHS - Statewide Site Repairs \$ 1,152,700 33921

C23027 OHS - Zoar Village Building Restoration \$ 502,500 33922

|        |                                                             |    |           |       |
|--------|-------------------------------------------------------------|----|-----------|-------|
| C23028 | OHS - Basic Renovations and Emergency<br>Repairs            | \$ | 850,000   | 33923 |
| C23030 | OHS - Rankin House State Memorial                           | \$ | 653,000   | 33924 |
| C23031 | OHS - Harding Home State Memorial                           | \$ | 250,000   | 33925 |
| C23032 | OHS - Ohio Historical Center<br>Rehabilitation              | \$ | 985,000   | 33926 |
| C23033 | OHS - Stowe House State Memorial                            | \$ | 300,000   | 33927 |
| C23038 | OHS - Fort Amanda State Memorial                            | \$ | 395,000   | 33928 |
| C23042 | Tecumseh - Sugarloaf Mountain<br>Amphitheatre               | \$ | 33,500    | 33929 |
| C23044 | OHS - Ohio River Museum                                     | \$ | 52,200    | 33930 |
| C23045 | OHS - Lockington Locks Stabilization                        | \$ | 358,900   | 33931 |
| C23057 | OHS - Online Portal to Ohio's Heritage                      | \$ | 1,246,000 | 33932 |
| C23059 | Lake Erie Nature and Science Center                         | \$ | 300,000   | 33933 |
| C23068 | Huntington House                                            | \$ | 75,000    | 33934 |
| C23077 | Columbus Museum of Art: Expansion and<br>Renovation Phase 3 | \$ | 1,101,000 | 33935 |
| C23083 | Stan Hywet Hall & Gardens Restoration                       | \$ | 1,560,522 | 33936 |
| C23091 | Ohio Theatre - Toledo                                       | \$ | 201,000   | 33937 |
| C23098 | Twin City Opera House                                       | \$ | 400,000   | 33938 |
| C230A1 | Preble County Historical Society                            | \$ | 50,000    | 33939 |
| C230A6 | Secrest Auditorium Renovation                               | \$ | 125,000   | 33940 |
| C230B1 | Karamu House                                                | \$ | 1,060,522 | 33941 |
| C230C5 | OHS - Collections Storage Facility<br>Object Evaluation     | \$ | 212,000   | 33942 |
| C230C6 | OHS - Historic Site Signage                                 | \$ | 300,000   | 33943 |
| C230C8 | OHS - Serpent Mound                                         | \$ | 397,900   | 33944 |
| C230D1 | OHS - Great Circle Earthworks                               | \$ | 75,000    | 33945 |
| C230D4 | OHS - Fort Laurens                                          | \$ | 45,000    | 33946 |
| C230E6 | OHS - Exhibits for Native American Sites                    | \$ | 500,000   | 33947 |
| C230E7 | OHS - Hayes Presidential Center                             | \$ | 50,000    | 33948 |
| C230E8 | OHS - Armstrong Air and Space Museum                        | \$ | 45,000    | 33949 |
| C230E9 | OHS - Museum of Ceramics                                    | \$ | 223,850   | 33950 |

|                   |                                                                             |               |                      |       |
|-------------------|-----------------------------------------------------------------------------|---------------|----------------------|-------|
| C230F1            | OHS - Campus Martius Museum                                                 | \$            | 145,200              | 33951 |
| C230F2            | Second Century Project                                                      | \$            | 200,000              | 33952 |
| C230F3            | Stuart's Opera House                                                        | \$            | 500,000              | 33953 |
| C230F4            | The Gordon, Hauss, Folk Company Mill                                        | \$            | 250,000              | 33954 |
| C230F5            | Thatcher Temple Art Building                                                | \$            | 37,500               | 33955 |
| C230F6            | Fitton Center for Creative Arts                                             | \$            | 100,000              | 33956 |
| C230F7            | Oxford Community Arts Center                                                | \$            | 450,000              | 33957 |
| C230F8            | Gammon House Improvements                                                   | \$            | 75,000               | 33958 |
| C230F9            | Clark State Community College Performing<br>Arts Center                     | \$            | 275,000              | 33959 |
| C230G1            | Murphy Theatre                                                              | \$            | 150,000              | 33960 |
| C230G2            | Johnson-Humrick House Museum                                                | \$            | 57,960               | 33961 |
| C230G3            | Public artPARK                                                              | \$            | 200,000              | 33962 |
| C230G4            | Schines Art Park                                                            | \$            | 357,500              | 33963 |
| C230G5            | Bedford Historical Society                                                  | \$            | 100,000              | 33964 |
| C230G6            | Rainey Institute - Safe Parking                                             | \$            | \$125,000            | 33965 |
| C230G7            | Ukrainian Museum - Archives                                                 | \$            | 125,000              | 33966 |
| C230G8            | Cleveland African American Museum<br>Restoration and Expansion              | \$            | 150,000              | 33967 |
| C230G9            | Great Lakes Science Center Omnimax<br>Theatre                               | \$            | 500,000              | 33968 |
| C230H1            | Cleveland Music School Settlement -<br>Burke Mansion Performing Arts Center | \$            | 255,000              | 33969 |
| C230H2            | Cozad Bates House                                                           | \$            | 365,131              | 33970 |
| C230H3            | Beck Center                                                                 | \$            | 402,349              | 33971 |
| C230H5            | University Hospital Seidman Cancer<br>Center Proton Therapy Center          | \$            | 500,000              | 33972 |
| C230H7            | Western Reserve Historical Society                                          | \$            | 750,000              | 33973 |
| C230H9            | Gordon Square Arts District                                                 | \$            | 1,000,000            | 33974 |
| <del>C230J1</del> | <del>Rock and Roll Hall of Fame</del>                                       | <del>\$</del> | <del>1,060,522</del> | 33975 |
| C230J4            | Cleveland Museum of Natural History                                         | \$            | 2,500,000            | 33976 |
| C230J5            | Phillis Wheatley - Hunter's Cove House                                      | \$            | 350,000              | 33977 |
| C230J6            | West Side Market Renovation                                                 | \$            | 500,000              | 33978 |

|        |                                                                     |    |           |       |
|--------|---------------------------------------------------------------------|----|-----------|-------|
| C230J7 | Cardinal Center                                                     | \$ | 75,000    | 33979 |
| C230J8 | War of 1812 Bicentennial Native American<br>Bowery Education Center | \$ | 24,913    | 33980 |
| C230J9 | St. Clair Memorial Hall                                             | \$ | 500,000   | 33981 |
| C230K1 | Historic Strand Theatre Renovation                                  | \$ | 150,000   | 33982 |
| C230K2 | Delaware Veterans Memorial Plaza                                    | \$ | 320,000   | 33983 |
| C230K3 | African-American Legacy Project                                     | \$ | 75,000    | 33984 |
| C230K4 | Ohio Glass Museum Furnace System                                    | \$ | 10,000    | 33985 |
| C230K5 | Saylor House and Reese-Peters House<br>Preservation                 | \$ | 20,000    | 33986 |
| C230K6 | Victoria Opera House Restoration Phase 2                            | \$ | 30,000    | 33987 |
| C230K7 | Georgian Museum Storage Facility                                    | \$ | 30,000    | 33988 |
| C230K8 | Sherman House Museum                                                | \$ | 35,000    | 33989 |
| C230K9 | Washington Court House Auditorium<br>Project                        | \$ | 100,000   | 33990 |
| C230L1 | McCoy Community Center of the Arts -<br>Video Projection System     | \$ | 50,000    | 33991 |
| C230L2 | Glass Axis Relocation                                               | \$ | 150,000   | 33992 |
| C230L3 | Harmony Project                                                     | \$ | 300,000   | 33993 |
| C230L4 | CCAD Cinematic Arts and Motion Capture<br>Studio and Auditorium     | \$ | 750,000   | 33994 |
| C230L5 | Columbus Theater-Based Community<br>Development Project             | \$ | 1,000,000 | 33995 |
| C230L6 | Franklin Park Conservatory Joint<br>Recreation District             | \$ | 1,000,000 | 33996 |
| C230L7 | Sauder Village - 1920 Homestead                                     | \$ | 300,000   | 33997 |
| C230L8 | Fulton County Visitor and Heritage<br>Center                        | \$ | 1,000,000 | 33998 |
| C230L9 | Ariel-Ann Carson Dater Performing Arts<br>Centre                    | \$ | 100,000   | 33999 |
| C230M1 | French Art Colony/Riverby Theatre Guild                             | \$ | 100,000   | 34000 |
| C230M2 | Geauga County Historical Society                                    | \$ | 56,000    | 34001 |
| C230M3 | Chardon Lyric Theatre                                               | \$ | 50,000    | 34002 |

|        |                                                           |    |           |       |
|--------|-----------------------------------------------------------|----|-----------|-------|
| C230M4 | Chardon Heritage House                                    | \$ | 200,000   | 34003 |
| C230M5 | Incline Theater Project                                   | \$ | 550,000   | 34004 |
| C230M6 | Cincinnati Art Museum - Make Room for<br>Art              | \$ | 825,000   | 34005 |
| C230M7 | Hamilton County Memorial Hall                             | \$ | 2,000,000 | 34006 |
| C230M8 | Cincinnati Zoo                                            | \$ | 2,000,000 | 34007 |
| C230M9 | Union Terminal Restoration                                | \$ | 5,000,000 | 34008 |
| C230N1 | Cincinnati Music Hall Revitalization                      | \$ | 5,000,000 | 34009 |
| C230N2 | Kan Du Community Arts Center                              | \$ | 520,000   | 34010 |
| C230N3 | Findlay Central Auditorium                                | \$ | 1,000,000 | 34011 |
| C230N4 | Appalachian Forest Museum                                 | \$ | 100,000   | 34012 |
| C230N5 | Logan Theater                                             | \$ | 25,000    | 34013 |
| C230N6 | Willard Train Viewing Platform                            | \$ | 50,000    | 34014 |
| C230N7 | Markay Theatre Renovation                                 | \$ | 150,000   | 34015 |
| C230N8 | Grand Theater Restoration Project                         | \$ | 140,000   | 34016 |
| C230N9 | South Leroy Historic Meeting House<br>Restoration         | \$ | 15,000    | 34017 |
| C230P1 | Willoughby Fine Arts Association -<br>Facility Expansion  | \$ | 500,000   | 34018 |
| C230P2 | Ironton Cultural Arts Operations<br>Facility              | \$ | 100,000   | 34019 |
| C230P3 | Sterling Theater Revitalization Project                   | \$ | 200,000   | 34020 |
| C230P4 | Logan County Veterans' Memorial Hall                      | \$ | 250,000   | 34021 |
| C230P5 | Columbia Station 1812 Block House<br>Project              | \$ | 28,000    | 34022 |
| C230P6 | Avon Isle Renovation Phase 2                              | \$ | 82,775    | 34023 |
| C230P7 | Oberlin Gasholder Building/Underground<br>Railroad Center | \$ | 200,000   | 34024 |
| C230P8 | Carnegie Building Renovation                              | \$ | 500,000   | 34025 |
| C230P9 | Toledo Zoo                                                | \$ | 750,000   | 34026 |
| C230Q1 | Imagination Station Improvements                          | \$ | 695,000   | 34027 |
| C230Q2 | War of 1812 Exhibit                                       | \$ | 35,000    | 34028 |
| C230Q3 | Columbus Zoo and Aquarium                                 | \$ | 1,000,000 | 34029 |

|        |                                                                      |    |            |       |
|--------|----------------------------------------------------------------------|----|------------|-------|
| C230Q4 | Toledo Repertoire Theatre                                            | \$ | 150,000    | 34030 |
| C230Q5 | Valentine Theatre Initiative                                         | \$ | 136,000    | 34031 |
| C230Q6 | Southern Park Historic District                                      | \$ | 250,000    | 34032 |
| C230Q7 | Butler Institute of Art                                              | \$ | 279,717    | 34033 |
| C230Q8 | Stambaugh Auditorium                                                 | \$ | 500,000    | 34034 |
| C230Q9 | Marion Palace Theatre                                                | \$ | 731,000    | 34035 |
| C230R1 | Bradford Rail Museum                                                 | \$ | 275,000    | 34036 |
| C230R2 | K12 and TEJAS Building Project                                       | \$ | 50,000     | 34037 |
| C230R3 | River Run Murals Project                                             | \$ | 82,500     | 34038 |
| C230R4 | Dayton Contemporary Dance Company Studio Renovations                 | \$ | 125,000    | 34039 |
| C230R5 | Wright Company Factory Project                                       | \$ | 250,000    | 34040 |
| C230R6 | Victoria Theatre and Metropolitan Arts Center                        | \$ | 825,000    | 34041 |
| C230R7 | Preserving & Updating the Historic Dayton Art Institute              | \$ | 2,198,500  | 34042 |
| C230R8 | National Ceramic Museum and Heritage Center Renovation               | \$ | 100,000    | 34043 |
| C230R9 | Opera House Project                                                  | \$ | 100,000    | 34044 |
| C230S1 | Tecumseh Theater - Opera House Restoration                           | \$ | 140,000    | 34045 |
| C230S2 | Perry County Historical and Cultural Arts Center                     | \$ | 341,600    | 34046 |
| C230S3 | Hayden Auditorium - Hiram                                            | \$ | 260,854    | 34047 |
| C230S4 | Majestic Theater Renovation                                          | \$ | 36,000     | 34048 |
| C230S5 | Lucy Webb Hayes Heritage Center Exterior Replacement and Restoration | \$ | 100,000    | 34049 |
| C230S6 | Pumphouse Center for the Arts                                        | \$ | 130,000    | 34050 |
| C230S7 | Historic Sidney Theatre                                              | \$ | 500,000    | 34051 |
| C230S8 | Pro Football Hall of Fame                                            | \$ | 10,000,000 | 34052 |
| C230S9 | Park Theater Renovation                                              | \$ | 159,078    | 34053 |
| C230T1 | Akron Civic Theater                                                  | \$ | 530,261    | 34054 |
| C230T2 | John Brown House and Grounds                                         | \$ | 50,000     | 34055 |

|                                                     |                                                                           |    |                                              |       |
|-----------------------------------------------------|---------------------------------------------------------------------------|----|----------------------------------------------|-------|
| C230T3                                              | Hale Farm                                                                 | \$ | 500,000                                      | 34056 |
| C230T4                                              | Urichsville Clay Museum                                                   | \$ | 150,000                                      | 34057 |
| C230T5                                              | Mason Historical Society                                                  | \$ | 350,000                                      | 34058 |
| C230T6                                              | Cincinnati Zoo - Big Cat Facility                                         | \$ | 1,000,000                                    | 34059 |
| C230T7                                              | Historic Theatre Restoration                                              | \$ | 500,000                                      | 34060 |
| C230T8                                              | County Line Historical Society                                            | \$ | 46,000                                       | 34061 |
| C230T9                                              | Pemberville Opera House Elevator Project                                  | \$ | 220,000                                      | 34062 |
| C230U1                                              | Wood County Historical Center & Museum<br>Accessibility Project           | \$ | 600,000                                      | 34063 |
| C230U2                                              | Avon Lake - Folger House                                                  | \$ | 150,000                                      | 34064 |
| C230U3                                              | DeYor Performing Arts Center                                              | \$ | 100,000                                      | 34065 |
| TOTAL Cultural and Sports Facilities Building Fund  |                                                                           | \$ | <del>76,400,704</del><br><u>75,340,182</u>   | 34066 |
| School Building Program Assistance Fund (Fund 7032) |                                                                           |    |                                              | 34067 |
| C23002                                              | School Building Program Assistance                                        | \$ | 575,000,000                                  | 34068 |
| TOTAL School Building Program Assistance Fund       |                                                                           | \$ | 575,000,000                                  | 34069 |
| TOTAL ALL FUNDS                                     |                                                                           | \$ | <del>754,900,704</del><br><u>771,185,182</u> | 34070 |
|                                                     | <u>SCHOOL SECURITY GRANTS</u>                                             |    |                                              | 34071 |
|                                                     | <u>The foregoing appropriation item C230V9, School Security</u>           |    |                                              | 34072 |
|                                                     | <u>Grants, shall be used by the School Facilities Commission to</u>       |    |                                              | 34073 |
|                                                     | <u>provide funding to all public and chartered nonpublic schools for</u>  |    |                                              | 34074 |
|                                                     | <u>the purchase and installation of one Multi-Agency Radio</u>            |    |                                              | 34075 |
|                                                     | <u>Communications System (MARCS) unit per school building and a</u>       |    |                                              | 34076 |
|                                                     | <u>security door system, consisting of a security camera, an</u>          |    |                                              | 34077 |
|                                                     | <u>intercom, and remote access, at one main entrance per school</u>       |    |                                              | 34078 |
|                                                     | <u>building. If law enforcement agencies with jurisdiction over all</u>   |    |                                              | 34079 |
|                                                     | <u>or a portion of the geographical area of a public or chartered</u>     |    |                                              | 34080 |
|                                                     | <u>nonpublic school do not use MARCS, a public or chartered nonpublic</u> |    |                                              | 34081 |
|                                                     | <u>school may purchase one emergency communications system compatible</u> |    |                                              | 34082 |
|                                                     | <u>with the system or systems in use by law enforcement agencies with</u> |    |                                              | 34083 |
|                                                     | <u>jurisdiction over the school territory. A public or chartered</u>      |    |                                              | 34084 |

nonpublic school may apply to the School Facilities Commission for reimbursement up to \$2,000 for one MARCS unit or other emergency communications system per school building and up to \$5,000 for costs incurred with the purchase of a security door system installed on or after January 1, 2013. A public or chartered nonpublic school may receive reimbursement for either a MARCS unit or another emergency communications system, but not both. A school previously awarded funds for one of the grant items under this program may not receive a second award for that same grant item.

STATE AGENCY PLANNING/ASSESSMENT

The foregoing appropriation item C230E5, State Agency Planning/Assessment, shall be used by the Facilities Construction Commission to provide assistance to any state agency for assessment, capital planning, and maintenance management.

GEAUGA COUNTY HISTORICAL SOCIETY

Of the foregoing appropriation item C230M2, Geauga County Historical Society, \$12,000 shall be used for Geauga Historical 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.

SCHOOL BUILDING PROGRAM ASSISTANCE

The foregoing appropriation item C23002, School Building Program Assistance, shall be used by the School Facilities Commission to provide funding to school districts that receive conditional approval from the Commission pursuant to Chapter 3318. of the Revised Code.

Reappropriations

**Sec. 253.330.** UCN UNIVERSITY OF CINCINNATI

Higher Education Improvement Fund (Fund 7034)

C26530 Medical Science Building Renovation and \$ 9,700,000



|                   |                                                         |               |                   |       |
|-------------------|---------------------------------------------------------|---------------|-------------------|-------|
|                   | Expansion                                               |               |                   |       |
| C26553            | Developmental Neurobiology                              | \$            | 294,637           | 34114 |
| C26586            | People Working Cooperatively                            | \$            | 100,000           | 34115 |
| C26604            | Barrett Cancer Center                                   | \$            | 26,765            | 34116 |
| C26606            | Hebrew Union College                                    | \$            | 119,167           | 34117 |
| C26615            | Beech Acres                                             | \$            | 3,665             | 34118 |
| <del>C26616</del> | <del>Forest Park Homeland Security Facility</del>       | <del>\$</del> | <del>50,000</del> | 34119 |
| C26628            | Rieveschl 500 Teaching Lab                              | \$            | 67,303            | 34120 |
| C26657            | Blue Ash City Conference Center                         | \$            | 150,000           | 34121 |
| C26666            | Snyder Building Roof Replacement -<br>Clermont          | \$            | 1,455,000         | 34122 |
| C26669            | General Electric Aviation Research Center               | \$            | 4,850,000         | 34123 |
| C26671            | Muntz Hall Renovations, 100 Level                       | \$            | 298,290           | 34124 |
| C26673            | MRI Pilot Microfactory                                  | \$            | 77,600            | 34125 |
| C26675            | Kettering Lab - Mechanical and Electrical<br>Renovation | \$            | 286,152           | 34126 |
| C26680            | Muntz Hall Rehabilitation - Phase 1                     | \$            | 1,150,000         | 34127 |
| C26681            | Institutional Roof Replacements                         | \$            | 815,000           | 34128 |
| <u>C26686</u>     | <u>Hamilton County Fairgrounds Improvements</u>         | <u>\$</u>     | <u>50,000</u>     | 34129 |
| TOTAL             | Higher Education Improvement Fund                       | \$            | 19,443,579        | 34130 |
| TOTAL             | ALL FUNDS                                               | \$            | 19,443,579        | 34131 |

KETTERING LAB - MECHANICAL AND ELECTRICAL RENOVATION 34132

The amount reappropriated for the foregoing appropriation 34133  
item C26675, Kettering Lab - Mechanical and Electrical Renovation, 34134  
is the unencumbered and unallotted balance as of June 30, 2014, in 34135  
appropriation item C26675, Kettering Lab - Mechanical and 34136  
Electrical Renovation, plus the unencumbered and unallotted 34137  
balance as of June 30, 2014, in appropriation items C26541, 34138  
Student Services, and C26571, Gas Turbine Spray Combustion. 34139

MUNTZ HALL REHABILITATION - PHASE 1 34140

The amount reappropriated for the foregoing appropriation 34141  
item C26680, Muntz Hall Rehabilitation - Phase 1, is the 34142

unencumbered and unallotted balance as of June 30, 2014, in 34143  
 appropriation item C26680, Muntz Hall Rehabilitation - Phase 1, 34144  
 plus the unencumbered and unallotted balance as of June 30, 2014, 34145  
 in appropriation items C26502, Raymond Walters Renovations, and 34146  
 C26667, Muntz Hall Roof Replacement - Blue Ash. 34147

INSTITUTIONAL ROOF REPLACEMENTS 34148

The amount reappropriated for the foregoing appropriation 34149  
 item C26681, Institutional Roof Replacements, is the unencumbered 34150  
 and unallotted balance as of June 30, 2014, in appropriation item 34151  
 C26681, Institutional Roof Replacements, plus the unencumbered and 34152  
 unallotted balance as of June 30, 2014, in appropriation item 34153  
 C26665, Health Professions Building Roof Repairs. 34154

HAMILTON COUNTY FAIRGROUNDS IMPROVEMENTS 34155

The amount reappropriated for the foregoing appropriation 34156  
item C26686, Hamilton County Fairgrounds Improvements, is the 34157  
unencumbered and unallotted balance as of June 30, 2014, in 34158  
appropriation item C26686, Hamilton County Fairgrounds 34159  
Improvements, plus the unencumbered and unallotted balance as of 34160  
June 30, 2014, in appropriation item C26616, Forest Park Homeland 34161  
Security Facility. 34162

Reappropriations

**Sec. 269.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION** 34163  
 SERVICES 34164  
 Mental Health Facilities Improvement Fund (Fund 7033) 34165  
 C58000 Hazardous Materials Abatement \$ 121,250 34166  
 C58001 Community Assistance Projects \$ 485,000 34167  
 C58004 Demolition \$ 145,500 34168  
 C58006 Patient Care/Environment Improvement \$ 291,000 34169  
 C58007 Infrastructure Renovations \$ 485,000 34170  
 C58008 Emergency Improvements \$ 291,000 34171

|                 |                                                  |    |           |       |
|-----------------|--------------------------------------------------|----|-----------|-------|
| C58009          | Patient Environment Improvement<br>Consolidation | \$ | 1,202     | 34172 |
| C58010          | Campus Consolidation                             | \$ | 4,850,000 | 34173 |
| C58020          | Mandel Jewish Community Center                   | \$ | 210,000   | 34174 |
| TOTAL           | Mental Health Facilities Improvement Fund        | \$ | 6,879,952 | 34175 |
| TOTAL ALL FUNDS |                                                  | \$ | 6,879,952 | 34176 |

INFRASTRUCTURE RENOVATIONS

34177

The amount reappropriated for the foregoing appropriation 34178  
item C58007, Infrastructure Renovations, is the unencumbered and 34179  
unallotted balance as of June 30, 2014, plus \$2,225,572. Prior to 34180  
the expenditure of this reappropriation, the Director of Mental 34181  
Health and Addiction Services shall certify to the Director of 34182  
Budget and Management canceled encumbrances in the amount of at 34183  
least \$2,225,572. 34184

**Sec. 701.50. DISASTER SERVICES**

34185

Notwithstanding any other provision of law, upon the request 34186  
of the Department of Public Safety, the Controlling Board may 34187  
approve the transfer of up to ~~\$4,000,000~~ \$8,000,000 from the 34188  
Disaster Services Fund (Fund 5E20) to a fund and appropriation 34189  
item used by the Department of Public Safety for Putnam County 34190  
flood mitigation projects. Moneys in the designated fund shall be 34191  
awarded to the local public agency that is leading the projects. 34192

**Section 630.11.** That existing Sections 207.100, 207.250, 34193  
207.340, 207.440, 223.10, 239.10, 253.330, 269.10, and 701.50 of 34194  
Am. H.B. 497 of the 130th General Assembly are hereby repealed. 34195

**Section 640.10.** That Section 9 of Am. Sub. S.B. 206 of the 34196  
130th General Assembly be amended to read as follows: 34197

**Sec. 9.** All items in this section are hereby appropriated as 34198  
designated out of any moneys in the state treasury to the credit 34199

of the designated fund. For all appropriations made in this act, 34200  
those in the first column are for fiscal year 2014 and those in 34201  
the second column are for fiscal year 2015. The appropriations 34202  
made in this act are in addition to any other appropriations made 34203  
for the FY 2014-FY 2015 biennium. 34204

Appropriations

JMO JOINT MEDICAID OVERSIGHT COMMITTEE 34205

General Revenue Fund 34206

GRF 048321 Operating Expenses \$ 350,000 \$ 500,000 34207

TOTAL GRF General Revenue Fund \$ 350,000 \$ 500,000 34208

TOTAL ALL BUDGET FUND GROUPS \$ 350,000 \$ 500,000 34209

OPERATING EXPENSES 34210

The foregoing appropriation item 048321, Operating Expenses, 34211  
shall be used to support expenses related to the Joint Medicaid 34212  
Oversight Committee created by section 103.41 of the Revised Code. 34213

On July 1, 2014, or as soon as possible thereafter, the 34214  
Executive Director of the Joint Medicaid Oversight Committee may 34215  
certify to the Director of Budget and Management the amount of the 34216  
unexpended, unencumbered balance of the foregoing appropriation 34217  
item 048321, Operating Expenses, at the end of fiscal year 2014 to 34218  
be reappropriated to fiscal year 2015. The amount certified is 34219  
hereby reappropriated to the same appropriation item for fiscal 34220  
year 2015. 34221

**Section 640.11.** That existing Section 9 of Am. Sub. S.B. 206 34222  
of the 130th General Assembly is hereby repealed. 34223

**Section 690.10.** That Section 747.40 of Am. Sub. H.B. 59 of 34224  
the 130th General Assembly is hereby repealed. 34225

**Section 703.10.** (A) There is hereby created the Mental Health 34226

and Addiction Services Planning for Ohio's Future Study Committee. 34227  
The Committee shall review and make recommendations for improving 34228  
access and dedicating consistent funding streams to this state's 34229  
mental health and addiction services programming. The Committee 34230  
shall consist of the following members: 34231

(1) The Director of Job and Family Services or the Director's 34232  
designee; 34233

(2) The Medicaid Director or the Director's designee; 34234

(3) The Director of Mental Health and Addiction Services or 34235  
the Director's designee; 34236

(4) The Director of Health or the Director's designee; 34237

(5) The Director of Rehabilitation and Corrections or the 34238  
Director's designee; 34239

(6) The Director of Youth Services or the Director's 34240  
designee; 34241

(7) The Attorney General or the Attorney General's designee; 34242

(8) The Chief Justice of the Supreme Court of Ohio or the 34243  
Chief Justice's designee; 34244

(9) The Executive Director of the Ohio Commission on Minority 34245  
Health; 34246

(10) The Superintendent of Public Instruction or the 34247  
Superintendent's designee; 34248

(11) One representative from each of the following 34249  
organizations, appointed by the organization's chief executive 34250  
officer or the individual serving in an equivalent capacity for 34251  
the organization: 34252

(a) The Association of Ohio Health Commissioners, 34253  
Incorporated; 34254

|                                                                                                                                                                                                                                                                                                           |                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| (b) The County Commissioners' Association of Ohio;                                                                                                                                                                                                                                                        | 34255                                     |
| (c) The Mental Health and Addiction Advocacy Coalition;                                                                                                                                                                                                                                                   | 34256                                     |
| (d) The Multiethnic Advocates for Cultural Competence,<br>Incorporated;                                                                                                                                                                                                                                   | 34257<br>34258                            |
| (e) The National Alliance on Mental Illness (NAMI) Ohio;                                                                                                                                                                                                                                                  | 34259                                     |
| (f) The National Association of Social Workers Ohio Chapter;                                                                                                                                                                                                                                              | 34260                                     |
| (g) The Ohio Alliance of Recovery Providers;                                                                                                                                                                                                                                                              | 34261                                     |
| (h) The Ohio Association of Community Health Centers;                                                                                                                                                                                                                                                     | 34262                                     |
| (i) The Ohio Association of County Behavioral Health<br>Authorities;                                                                                                                                                                                                                                      | 34263<br>34264                            |
| (j) The Ohio Association of Health Plans;                                                                                                                                                                                                                                                                 | 34265                                     |
| (k) The Ohio Children's Hospital Association;                                                                                                                                                                                                                                                             | 34266                                     |
| (l) Ohio Citizen Advocates for Addiction Recovery;                                                                                                                                                                                                                                                        | 34267                                     |
| (m) The Ohio Council of Behavioral Health and Family Services<br>Providers;                                                                                                                                                                                                                               | 34268<br>34269                            |
| (n) The Ohio Empowerment Coalition;                                                                                                                                                                                                                                                                       | 34270                                     |
| (o) The Ohio Hospital Association;                                                                                                                                                                                                                                                                        | 34271                                     |
| (p) The Ohio Psychiatric Physicians Association;                                                                                                                                                                                                                                                          | 34272                                     |
| (q) The Ohio Psychological Association;                                                                                                                                                                                                                                                                   | 34273                                     |
| (r) The Ohio Suicide Prevention Foundation.                                                                                                                                                                                                                                                               | 34274                                     |
| (12) One executive director of an alcohol, drug addiction,<br>and mental health service district, who shall be selected by the<br>directors of the six Ohio Department of Mental Health and<br>Addiction Services regional psychiatric hospitals, to represent<br>the six regional psychiatric hospitals. | 34275<br>34276<br>34277<br>34278<br>34279 |
| (B) Appointments to the Committee shall be made not later<br>than fifteen days after the effective date of this section.                                                                                                                                                                                  | 34280<br>34281                            |

Vacancies shall be filled in the same manner as the original 34282  
appointments. The Committee shall convene not later than thirty 34283  
days after the effective date of this section. 34284

(C) Members of the Committee shall serve without compensation 34285  
or reimbursement for expenses incurred while serving on the 34286  
Committee. 34287

(D) The Legislative Service Commission shall provide 34288  
administrative support for the Committee. 34289

(E) The Committee shall do all of the following: 34290

(1) Review evidence of the correlation between effective, 34291  
efficient, and evidence-based behavioral health programming and 34292  
cost savings to this state; 34293

(2) Identify existing best practices for improving consumer 34294  
access to mental health and addiction services programming; 34295

(3) Recommend a five-year vision that this state should adopt 34296  
relating to mental health and addiction services and programming 34297  
essential to help consumers lead safe, healthy, and productive 34298  
lives in the community; 34299

(4) Recommend financial strategies to sustain the mental 34300  
health and addiction services system of this state over time to 34301  
create a state funding stream that is constant and does not 34302  
fluctuate with every state budget proposal; 34303

(5) Ensure that all recommendations adhere to state and 34304  
federal law. 34305

(F) The Committee shall prepare a report of its findings and 34306  
recommendations and, not later than December 31, 2014, submit the 34307  
report to the General Assembly and the Governor. Upon submission 34308  
of the report, the Committee shall cease to exist. 34309

**Section 719.10.** On and after the effective date of this act, 34310

the full-time judge of the Avon Lake Municipal Court, who prior to 34311  
the effective date of this act was the part-time judge of that 34312  
court, shall perform the duties of a full-time judge of a 34313  
municipal court, shall receive the salary specified in law for a 34314  
full-time judge of a municipal court, and shall be subject to any 34315  
restriction specified in law for a full-time judge of a municipal 34316  
court. 34317

**Section 729.10.** (A)(1) There is hereby created the Criminal 34318  
Justice Recodification Committee, consisting of nineteen members. 34319  
Two members shall be members of the Senate, appointed by the 34320  
President of the Senate. Two members shall be members of the House 34321  
of Representatives, appointed by the Speaker of the House of 34322  
Representatives. One member shall be the Director of 34323  
Rehabilitation and Correction or the Director's individual 34324  
designee. Three members, not more than two of whom shall be 34325  
members of the same political party, shall be judges jointly 34326  
appointed by the President of the Senate and the Speaker of the 34327  
House of Representatives after consulting with the Chief Justice 34328  
of the Supreme Court, with each judge being a judge of a court of 34329  
appeals, judge of a court of common pleas, judge of a municipal 34330  
court, or judge of a county court. The following eleven members, 34331  
not more than six of whom shall be members of the same political 34332  
party, shall be jointly appointed by the President of the Senate 34333  
and the Speaker of the House of Representatives after consulting 34334  
with the appropriate state associations, if any, that are 34335  
represented by these members: one sheriff; one peace officer of a 34336  
municipal corporation or township; three prosecutors, each of whom 34337  
is a county prosecuting attorney or a full-time city prosecuting 34338  
attorney; three attorneys whose practice of law primarily involves 34339  
the representation of criminal defendants; one member of the Ohio 34340  
State Bar Association; one representative of community corrections 34341



programs; and one representative of community addiction services 34342  
providers or community mental health services providers. 34343

All appointed members of the Committee shall be appointed by 34344  
the specified appointing authority not later than thirty days 34345  
after the effective date of this section. All members of the 34346  
Committee who are elected officials and whose term of office 34347  
expires prior to January 1, 2016, shall serve until the expiration 34348  
of their term of office. Any vacancy on the Committee shall be 34349  
filled in the same manner as the original appointment. 34350

When the President of the Senate and the Speaker of the House 34351  
of Representatives make their appointments to the Committee, they 34352  
shall consider adequate representation by race and gender. 34353

(2) As used in division (A)(1) of this section: 34354

(a) "Community addiction services provider" and "community 34355  
mental health services provider" have the same meanings as in 34356  
section 5119.01 of the Revised Code. 34357

(b) "Community corrections programs" has the same meaning as 34358  
in section 5149.30 of the Revised Code. 34359

(B) The Committee initially shall meet not later than sixty 34360  
days after the effective date of this act. At its initial meeting, 34361  
the Committee shall organize, select a Chairperson and 34362  
Vice-chairperson and any other necessary officers, and adopt rules 34363  
to govern its proceedings. The Committee shall meet as necessary 34364  
at the call of the Chairperson or on the written request of seven 34365  
or more of its members. Nine members of the Committee constitute a 34366  
quorum, and the votes of a majority of the quorum present shall be 34367  
required to validate any action of the Committee. All business of 34368  
the Committee shall be conducted in public meetings. 34369

The members of the Committee shall serve without 34370  
compensation, but each member shall be reimbursed for the member's 34371

actual and necessary expenses incurred in the performance of the 34372  
member's official duties on the Committee. In the absence of the 34373  
Chairperson, the Vice-chairperson shall perform the duties of the 34374  
Chairperson. 34375

(C) The Committee has the same powers as other standing or 34376  
select committees of the General Assembly. The Legislative Service 34377  
Commission shall provide to the Committee, upon its request, 34378  
research and technical services and support. Independent of this 34379  
provision of services and support, the Committee may consult with, 34380  
and seek and obtain research and technical services and support 34381  
from, any individual, organization, association, college, or 34382  
university. All state and local government agencies and entities 34383  
shall cooperate with the Committee in the performance of its 34384  
duties under this section and Section 729.11 of this act. 34385

**Section 729.11.** (A) The Criminal Justice Recodification 34386  
Committee shall study the existing criminal statutes of this 34387  
state, with the goal of enhancing public safety and the 34388  
administration of criminal justice in Ohio by eliminating 34389  
duplication in those statutes, aligning those statutes with the 34390  
purpose of defining a culpable mental state for all crimes, 34391  
removing or revising crimes included in those statutes for which 34392  
no culpable mental state is provided, and other appropriate 34393  
measures. The Committee shall use the results of its study to 34394  
develop and recommend to the General Assembly a comprehensive plan 34395  
for revising the state's Criminal Code that is consistent with 34396  
those specified goals of the study. 34397

(B) Not later than January 1, 2016, the Criminal Justice 34398  
Recodification Committee shall recommend to the General Assembly a 34399  
comprehensive plan for revising the state's Criminal Code that is 34400  
consistent with the goals of the Committee's study that are 34401  
specified in division (A) of this section. 34402

(C) Upon its submission to the General Assembly pursuant to 34403  
division (B) of this section of its recommendations for a 34404  
comprehensive plan for revising the state's Criminal Code, the 34405  
Criminal Justice Recodification Committee shall cease to exist. 34406

**Section 737.10.** As used in this section, "federally qualified 34407  
health center" and "federally qualified health center look-alike" 34408  
have the same meanings as in section 3701.047 of the Revised Code. 34409  
34410

(A) Not later than January 1, 2015, the Director of Health 34411  
shall establish a prenatal group health care pilot program that is 34412  
based on the CenteringPregnancy model of care and the University 34413  
of Cincinnati Social Determinants Program developed by the 34414  
Centering Healthcare Institute and the University of Cincinnati 34415  
Division of Community Women's Health. The pilot program shall be 34416  
operated for three years at four federally qualified health 34417  
centers or federally qualified health center look-alikes selected 34418  
by the Director in accordance with division (B) of this section. 34419  
Two participants must be located in a rural area, and two 34420  
participants must be located in an urban area. 34421

(B) The Director shall develop a process to be used in 34422  
issuing a request for proposals to federally qualified health 34423  
centers and federally qualified health center look-alikes in this 34424  
state, receiving responses to the request, and evaluating the 34425  
responses on a competitive basis. In the request for proposals, 34426  
the Director shall specify that a pilot program participant must 34427  
be able to demonstrate that it can meet all of the following 34428  
requirements: 34429

(1) Has space to comfortably host pilot program groups 34430  
consisting of up to twenty persons; 34431

(2) Has adequate in-kind resources to contribute to the pilot 34432  
program, including existing medical staff; 34433

(3) Is an active obstetrical clinic, where prenatal medical 34434  
care is provided on site and has had, on average, at least one 34435  
hundred patients give birth annually in the years recently 34436  
preceding the effective date of this section; 34437

(4) Is able to designate at least one employee to serve as 34438  
pilot program Coordinator; 34439

(5) Agrees to implement before July 1, 2015, all the 34440  
requirements of the University of Cincinnati Social Determinants 34441  
Program; 34442

(6) Provides referral and access to care coordination and 34443  
home visitation services for those patients participating in the 34444  
pilot program; 34445

(7) Is willing to share research and quality improvement data 34446  
and participate in a collaborative exchange of information with 34447  
other pilot program participants; 34448

(8) Any other requirements established by the Director. 34449

(C) The Director shall convene a committee to assist the 34450  
Director in evaluating submitted proposals and selecting pilot 34451  
program participants. At least one member of the committee shall 34452  
represent the Ohio Association of Community Health Centers and one 34453  
member shall represent the University of Cincinnati Division of 34454  
Community Women's Health. 34455

(D) The pilot program's goals shall include all of the 34456  
following: 34457

(1) Decreasing the number of infants born preterm (prior to 34458  
37 weeks of pregnancy) whose birth weight is less than two 34459  
thousand five hundred grams; 34460

(2) Increasing the number of pregnant patients who begin 34461  
prenatal care during their first trimester of pregnancy, consume 34462  
appropriate amounts of folic acid, stop smoking, and are screened 34463

for depression, the human immunodeficiency virus (HIV), diabetes, 34464  
and poor oral health; 34465

(3) Increasing the number of women who breastfeed their 34466  
infants. 34467

(E) The Ohio Association of Community Health Centers and 34468  
University of Cincinnati Division of Community Women's Health 34469  
shall assist the Director with the pilot program's operation. To 34470  
that end, the Association shall employ a part-time infant 34471  
mortality program coordinator and the Division shall employ a 34472  
full-time program coordinator and a full-time quality improvement 34473  
consultant whose duties include providing technical assistance to 34474  
pilot program participants, collecting data regarding the program, 34475  
and monitoring the program's success. 34476

(F) Not later than January 1 of each year beginning in 2016, 34477  
the Director shall prepare a written report that summarizes the 34478  
data that has been collected on the program in the preceding 34479  
twelve months; evaluates the program's achievement toward its 34480  
goals, including those specified in division (D) of this section; 34481  
makes recommendations for the program's future; and provides any 34482  
other information the Director considers appropriate for inclusion 34483  
in the report. On completion, the report shall be submitted to the 34484  
Governor and, in accordance with section 101.68 of the Revised 34485  
Code, the General Assembly. 34486

**Section 745.10.** (A) There is hereby created the Maritime Port 34487  
Funding Study Committee. The committee shall consist of the 34488  
following ten members who shall be appointed not later than thirty 34489  
days after the effective date of this section: 34490

(1) Two members of the Senate, one of whom shall be a member 34491  
of the majority party and one of whom shall be a member of the 34492  
minority party, both appointed by the President of the Senate; 34493

(2) Two members of the House of Representatives, one of whom shall be a member of the majority party and one of whom shall be a member of the minority party, both appointed by the Speaker of the House of Representatives;

(3) Two members appointed by the Governor, one of whom shall be from the Ohio Department of Transportation and be knowledgeable about maritime ports and one of whom shall be from the Development Services Agency;

(4) Four members appointed jointly by the President of the Senate and the Speaker of the House of Representatives, each of whom shall represent maritime port interests on behalf of a major maritime port and none of whom shall represent the same maritime port.

(B) The Committee shall select a chairperson and vice-chairperson from among its members. The Committee first shall meet within one month after the effective date of this section at the call of the President of the Senate. Thereafter, the Committee shall meet at the call of its chairperson as necessary to carry out its duties. Members of the Committee are not entitled to compensation for serving on the Committee, but may continue to receive the compensation and benefits accruing from their regular offices or employments. The Legislative Service Commission shall provide the legislative members of the Committee with technical and clerical staff as is necessary for those members to successfully and efficiently fulfill their duties as committee members.

(C) The Committee shall study alternative funding mechanisms for maritime ports in Ohio that may be utilized beginning in fiscal year 2016-2017. Not later than January 1, 2015, the Study Committee shall issue a report of its findings and recommendations to the Governor, the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and

the Minority Leader of the House of Representatives. After 34526  
submitting the report, the Study Committee shall cease to exist. 34527

**Section 745.20.** Not later than January 23, 2015, the 34528  
Department of Public Safety, in consultation with the Department 34529  
of Administrative Services, shall submit a written recommendation 34530  
to the 131st General Assembly that specifies a formula, method, or 34531  
schedule by which user fees for the Multi-agency Radio 34532  
Communications System may be reduced from their current amounts. 34533

**Section 747.10.** LICENSING PERIOD FOR TERMINAL DISTRIBUTORS OF 34534  
DANGEROUS DRUGS 34535

In the case of a terminal distributor of dangerous drugs 34536  
holding a license issued or renewed pursuant to section 4729.54 of 34537  
the Revised Code that is valid on the effective date of this 34538  
section, the license remains in effect until April 1, 2015, unless 34539  
earlier revoked or suspended. The license holder is subject to the 34540  
renewal schedule established by division (I) of section 4729.54 of 34541  
the Revised Code, as amended by this act. 34542

**Section 747.20.** Rule 4781-1-02 of the Administrative Code, 34543  
which requires the Manufactured Homes Commission headquarters to 34544  
be in Dublin, Ohio, is void. 34545

**Section 747.30.** PRESCRIBER ACCESS TO OARRS 34546

As used in this section, "licensed health professional 34547  
authorized to prescribe drugs" means an individual who is 34548  
authorized by law to prescribe drugs, dangerous drugs, or drug 34549  
therapy-related devices in the course of the individual's 34550  
professional practice, including only the following: a dentist 34551  
licensed under Chapter 4715. of the Revised Code, an advanced 34552  
practice registered nurse who holds a certificate to prescribe 34553  
issued under Chapter 4723. of the Revised Code, an optometrist 34554

licensed under Chapter 4725. of the Revised Code to practice 34555  
optometry under a therapeutic pharmaceutical agents certificate, a 34556  
physician assistant who holds a certificate to prescribe issued 34557  
under Chapter 4730. of the Revised Code, and a physician 34558  
authorized under Chapter 4731. of the Revised Code to practice 34559  
medicine and surgery, osteopathic medicine and surgery, or 34560  
podiatric medicine and surgery. 34561

Not later than January 1, 2015, each licensed health 34562  
professional authorized to prescribe drugs who prescribes opioid 34563  
analgesics or benzodiazepines and each pharmacist licensed under 34564  
Chapter 4729. of the Revised Code shall obtain access to the drug 34565  
database established and maintained by the State Board of Pharmacy 34566  
pursuant to section 4729.75 of the Revised Code, unless the Board 34567  
has restricted the professional or pharmacist from obtaining 34568  
information from the database or the Board no longer maintains the 34569  
database. Failure to comply with this section constitutes grounds 34570  
for certificate or license suspension. 34571

**Section 751.20. WORKFORCE INTEGRATION TASK FORCE** 34572

(A) A workforce integration task force for individuals who 34573  
are deaf or blind is hereby established within the Opportunities 34574  
for Ohioans with Disabilities Agency. The task force shall be 34575  
co-chaired by the Executive Director of the Opportunities for 34576  
Ohioans with Disabilities Agency and the Director of the 34577  
Department of Job and Family Services. The co-chairs shall appoint 34578  
the members of the task force. 34579

(B) The task force shall collect data on the following 34580  
regarding individuals who are deaf or blind in Ohio: 34581

(1) The average income levels for those individuals who are 34582  
employed compared to those who are not employed; 34583

(2) The number of those individuals; 34584



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| (3) Where those individuals are geographically located;                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 34585                                                                |
| (4) The number of those individuals who are employed and in what job categories they are employed;                                                                                                                                                                                                                                                                                                                                                                                                                                 | 34586<br>34587                                                       |
| (5) Whether barriers to employment exist for those individuals.                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 34588<br>34589                                                       |
| (C) The task force shall use the data collected and any other information necessary to make recommendations regarding how those individuals may be more fully integrated into the workforce to increase employability and income parity. The task force shall issue a report of its findings and recommendations to the Governor not later than January 1, 2015. Upon issuance of its report, the task force ceases to exist.                                                                                                      | 34590<br>34591<br>34592<br>34593<br>34594<br>34595<br>34596          |
| <b>Section 751.35. OHIO WORKS FIRST EMPLOYMENT INCENTIVE PILOT PROGRAM</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 34597<br>34598                                                       |
| (A) As used in this section, "TANF funds" means both of the following:                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 34599<br>34600                                                       |
| (1) Federal funds provided under the temporary assistance for needy families block grant established by Title IV-A of the "Social Security Act," 42 U.S.C. 601, et seq.;                                                                                                                                                                                                                                                                                                                                                           | 34601<br>34602<br>34603                                              |
| (2) State maintenance of effort funds used to avoid a reduction in the federal funds specified in division (A)(1) of this section.                                                                                                                                                                                                                                                                                                                                                                                                 | 34604<br>34605<br>34606                                              |
| (B) The Director of Job and Family Services shall establish the Ohio Works First Employment Incentive Pilot Program. The pilot program shall be operated for three years in counties served by five county departments of job and family services the Director selects. The Director may select county departments that serve one county, county departments that serve multiple counties, or both types of county departments. Subject to available TANF funds and in accordance with rules adopted under this section, the pilot | 34607<br>34608<br>34609<br>34610<br>34611<br>34612<br>34613<br>34614 |

program shall provide for a caseworker of a county department of 34615  
job and family services participating in the pilot program 34616  
receiving a bonus each time a former Ohio Works First participant 34617  
who the caseworker helped find employment has not been an Ohio 34618  
Works First participant for six months because the former 34619  
participant ceased to qualify for Ohio Works First due to 34620  
increased earned income resulting from the former participant's 34621  
employment. 34622

(C) A county department of job and family services 34623  
participating in the pilot program may contract with one or more 34624  
private entities to perform tasks for the county department under 34625  
the program. 34626

(D) The Director shall adopt rules in accordance with Chapter 34627  
119. of the Revised Code to implement the pilot program, including 34628  
rules that do all of the following: 34629

(1) Specify the bonus a caseworker is to receive under the 34630  
pilot program; 34631

(2) Establish procedures to be used to do either of the 34632  
following when more than one caseworker qualifies for the same 34633  
bonus: 34634

(a) Determine which caseworker is to receive the bonus; 34635

(b) Divide the bonus among the caseworkers. 34636

(3) Address any other matters the Director considers 34637  
necessary to implement the pilot program. 34638

(E) Not later than ninety days after the termination of the 34639  
pilot program, the Director shall submit a report about the 34640  
program to the Governor and, in accordance with section 101.68 of 34641  
the Revised Code, the General Assembly. The Director shall make 34642  
the report available to the public. The report shall include 34643  
information about the pilot program's effectiveness in encouraging 34644

caseworkers to help Ohio Works First participants obtain 34645  
employment and cease participation in Ohio Works First. The report 34646  
also shall include recommendations for any changes that should be 34647  
made to the pilot program before it is made permanent and expanded 34648  
statewide. 34649

(F) The Department of Job and Family Services shall allocate 34650  
\$50,000 in fiscal year 2015 from appropriation item 600689, TANF 34651  
Block Grant, in Am. Sub. H.B. 59 of the 130th General Assembly to 34652  
each of the five county departments of job and family services 34653  
participating in the Ohio Works First Employment Incentive Pilot 34654  
Program. The county departments shall use the funds for the 34655  
administrative expenses they incur in participating in the pilot 34656  
program. 34657

**Section 751.37.** WORKGROUP TO HELP INDIVIDUALS TO CEASE 34658  
RELYING ON PUBLIC ASSISTANCE 34659

(A) The Governor shall convene a workgroup to develop 34660  
proposals to help individuals to cease relying on public 34661  
assistance as defined in section 5101.26 of the Revised Code. Not 34662  
later than thirty days after the effective date of this section, 34663  
the Governor shall appoint all of the following to the workgroup: 34664

(1) The directors of the county departments of job and family 34665  
services that serve the three most populous counties in the state; 34666

(2) The directors of three county departments of job and 34667  
family services that serve rural counties; 34668

(3) The directors of three other county departments of job 34669  
and family services. 34670

(B) A county department director appointed to the workgroup 34671  
may designate another representative of the county department to 34672  
serve in the director's place on the workgroup on a temporary or 34673  
ongoing basis as needed. County department directors appointed to 34674

the workgroup and their designees shall serve without 34675  
compensation, except to the extent that serving on the workgroup 34676  
is part of their regular duties of employment. 34677

(C) The Governor shall designate one of the county department 34678  
directors appointed to the workgroup to serve as the workgroup's 34679  
chairperson. The workgroup shall meet at the chairperson's call. 34680

(D) The Department of Job and Family Services shall provide 34681  
support staff and meeting space as necessary to facilitate the 34682  
workgroup's work. 34683

(E) Not later than one hundred eighty days after the 34684  
effective date of this section, the workgroup shall issue a report 34685  
of the workgroup's proposals. The report shall be submitted to the 34686  
Governor and, in accordance with section 101.68 of the Revised 34687  
Code, the General Assembly. The report is a public record for the 34688  
purpose of section 149.43 of the Revised Code. The workgroup shall 34689  
cease to exist on issuance of the report. 34690

**Section 751.40. SUPPORT FOR START TALKING! INITIATIVE** 34691

The Director of Mental Health and Addiction Services shall 34692  
designate an employee who is certified as a prevention specialist 34693  
by the Chemical Dependency Professionals Board to serve as 34694  
coordinator for the Start Talking! Initiative and to assist with 34695  
statewide efforts to prevent substance abuse among children. 34696

**Section 751.110. RETURNING OFFENDERS** 34697

(A) As used in this section: 34698

"Returning offender" means an individual who is released from 34699  
confinement in a state correctional facility to live in the 34700  
community on or after the effective date of this section. 34701

"State correctional facility" has the same meaning as in 34702  
section 2967.01 of the Revised Code. 34703

(B) Subject to division (C) of this section, the boards of alcohol, drug addiction, and mental health services serving Cuyahoga, Franklin, Hamilton, Montgomery, and Summit counties shall prioritize the use of funds made available to the boards by the Department of Mental Health and Addiction Services under Am. Sub. H.B. 59 of the 130th General Assembly to temporarily assist returning offenders who have severe mental illnesses, severe substance use disorders, or both, and reside in the alcohol, drug addiction, and mental health service districts the boards serve, obtain Medicaid-covered community mental health services, Medicaid-covered community drug addiction services, or both. A board shall provide the temporary assistance to such a returning offender regardless of whether the returning offender resided in the district the board serves before being confined in a state correctional facility. Such a returning offender's priority for the temporary assistance shall end on the earlier of the following:

(1) The date that the offender is enrolled in the Medicaid program or, if applicable, the date that the suspension of the offender's Medicaid eligibility ends pursuant to section 5163.45 of the Revised Code;

(2) Sixty days after the offender is released from confinement in a state correctional facility.

(C) The assistance provided to returning offenders under this section shall not receive priority over community addiction services that are prioritized under section 340.15 of the Revised Code or the program for pregnant women with drug addictions developed under section 5119.17 of the Revised Code.

**Section 751.120. NURSING FACILITY BEHAVIORAL HEALTH ADVISORY WORKGROUP**

(A) There is hereby created the Nursing Facility Behavioral

Health Advisory Workgroup. The Workgroup shall consist of all of 34735  
the following members: 34736

(1) The Executive Director of the Governor's Office of Health 34737  
Transformation or the Executive Director's designee; 34738

(2) The Director of Mental Health and Addiction Services or 34739  
the Director's designee; 34740

(3) The Director of Health or the Director's designee; 34741

(4) The Medicaid Director or the Director's designee; 34742

(5) The State Long-Term Care Ombudsman or the Ombudsman's 34743  
designee; 34744

(6) Two representatives from each of the following, appointed 34745  
by the organization's chief executive officer or the individual 34746  
serving in an equivalent capacity for the organization: 34747

(a) Ohio Health Care Association; 34748

(b) LeadingAge Ohio; 34749

(c) NAMI Ohio; 34750

(d) The Academy of Senior Health Sciences. 34751

(7) Two members of the House of Representatives, one from the 34752  
majority party and the other from the minority party, appointed by 34753  
the Speaker of the House of Representatives; 34754

(8) Two members of the Senate, one from the majority party 34755  
and the other from the minority party, appointed by the Senate 34756  
President. 34757

(B) Members of the Workgroup shall be appointed not later 34758  
than fifteen days after the effective date of this section. 34759  
Vacancies shall be filled in the same manner as the original 34760  
appointments. Each member shall serve without compensation or 34761  
reimbursement for expenses incurred while serving on the 34762  
Workgroup, except to the extent that serving on the Workgroup is 34763

considered to be among the member's employment duties. 34764

(C) The Executive Director of the Governor's Office of Health 34765  
Transformation or the Executive Director's designee shall serve as 34766  
chairperson of the Workgroup. The Department of Medicaid shall 34767  
provide staff and other support services for the Workgroup. 34768

(D) The Workgroup shall develop recommendations for a pilot 34769  
project to designate a total of not more than one thousand beds in 34770  
discrete units of nursing facilities to serve individuals with 34771  
behavioral health needs. The recommendations shall include both of 34772  
the following: 34773

(1) Standards for designating the discrete units; 34774

(2) Standards for enhanced Medicaid payments for services 34775  
provided in the discrete units. 34776

(E) Not later than December 31, 2014, the Workgroup shall 34777  
submit a report to the General Assembly in accordance with section 34778  
101.68 of the Revised Code. The report shall include the 34779  
Workgroup's findings and recommendations the pilot project 34780  
described in division (D) of this section. 34781

(F) The Workgroup shall cease to exist on submission of its 34782  
report. 34783

**Section 751.130.** (A) There is hereby created the Adult 34784  
Protective Services Funding Workgroup in the Department of Job and 34785  
Family Services. 34786

(B) The Workgroup shall consist of the following members: 34787

(1) The Director of Job and Family Services or the Director's 34788  
designee; 34789

(2) The Director of Budget and Management or the Director's 34790  
designee; 34791

(3) The Director of Health Transformation or the Director's 34792

|                                                                                                                                                                                     |                         |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| designee;                                                                                                                                                                           | 34793                   |
| (4) The Director of Aging or the Director's designee;                                                                                                                               | 34794                   |
| (5) A representative of the Office of the Governor, appointed<br>by the Governor;                                                                                                   | 34795<br>34796          |
| (6) Two members of the House of Representatives, one from the<br>majority party and the other from the minority party, appointed by<br>the Speaker of the House of Representatives; | 34797<br>34798<br>34799 |
| (7) Two members of the Senate, one from the majority party<br>and the other from the minority party, appointed by the President<br>of the Senate;                                   | 34800<br>34801<br>34802 |
| (8) One representative of the Ohio Job and Family Services<br>Executive Directors' Association, appointed by the Governor;                                                          | 34803<br>34804          |
| (9) One representative of the County Commissioners<br>Association of Ohio, appointed by the Governor;                                                                               | 34805<br>34806          |
| (10) A representative of the AARP, appointed by the Governor;                                                                                                                       | 34807                   |
| (11) Representatives of any other entities or organizations<br>the Director of Job and Family Services determines are necessary,<br>appointed by the Governor.                      | 34808<br>34809<br>34810 |
| (C) Members of the Workgroup shall be appointed not later<br>than seven days after the effective date of this section.                                                              | 34811<br>34812          |
| (D) The Director of Job and Family Services shall serve as<br>the chairperson of the Workgroup.                                                                                     | 34813<br>34814          |
| (E) The Workgroup shall do all of the following:                                                                                                                                    | 34815                   |
| (1) Investigate programmatic or financial gaps in the adult<br>protective services system;                                                                                          | 34816<br>34817          |
| (2) Identify best practices currently employed at the county<br>level as well as those that can be integrated into the system;                                                      | 34818<br>34819          |
| (3) Identify areas of overlap and linkages across all human<br>services programs;                                                                                                   | 34820<br>34821          |



(4) Coordinate with the Children Services Funding Workgroup 34822  
in the Department of Job and Family Services, if the Children 34823  
Services Funding Workgroup is created in the Department. 34824

(F) Not later than 120 days after the effective date of this 34825  
section, the Workgroup shall make recommendations to the 34826  
Department of Job and Family Services about a distribution method 34827  
for the \$10 million in appropriation item 911421 for possible 34828  
submission to the Controlling Board. 34829

(G) The Workgroup ceases to exist one year after the 34830  
effective date of this section. 34831

**Section 751.140.** (A) There is hereby created the Children 34832  
Services Funding Workgroup in the Department of Job and Family 34833  
Services. 34834

(B) The Workgroup shall consist of the following members: 34835

(1) The Director of Job and Family Services or the Director's 34836  
designee; 34837

(2) The Director of Budget and Management or the Director's 34838  
designee; 34839

(3) The Director of Health Transformation or the Director's 34840  
designee; 34841

(4) A representative of the Office of the Governor, appointed 34842  
by the Governor; 34843

(5) Two members of the House of Representatives, one from the 34844  
majority party and one from the minority party, appointed by the 34845  
Speaker of the House of Representatives; 34846

(6) Two members of the Senate, one from the majority party 34847  
and one from the minority party, appointed by the President of the 34848  
Senate; 34849

(7) One representative of the Public Children Services 34850

Association of Ohio, appointed by the Governor; 34851

(8) One representative from the Ohio Department of Job and 34852  
Family Services Executive Directors' Association, appointed by the 34853  
Governor; 34854

(9) One representative from the County Commissioners 34855  
Association of Ohio, appointed by the Governor; 34856

(10) Representatives of any other entities or organizations 34857  
the Director of the Department of Job and Family Services 34858  
determines to be necessary, appointed by the Governor. 34859

(C) Members of the Workgroup shall be appointed not later 34860  
than seven days after the effective date of this section. 34861

(D) The Director of Job and Family Services shall serve as 34862  
the chairperson of the Workgroup. 34863

(E) The Workgroup shall do all of the following: 34864

(1) Investigate programmatic or financial gaps in the 34865  
children services funding system; 34866

(2) Identify best practices currently employed at the county 34867  
level as well as those that can be integrated into the system; 34868

(3) Identify areas of overlap and linkages across all human 34869  
services programs; 34870

(4) Coordinate with the Adult Protective Services Funding 34871  
Workgroup in the Department of Job and Family Services, if an 34872  
Adult Protective Services Funding Workgroup is created in the 34873  
Department. 34874

(F) Not later than 120 days after the effective date of this 34875  
section, the Workgroup shall make recommendations to the Director 34876  
of Job and Family Services about a distribution method for the 34877  
\$6.8 million appropriated to appropriation item 911420, Children 34878  
Services, for possible submission to the Controlling Board. This 34879  
distribution method shall focus on targeted areas, including, but 34880

not limited to, adoption, visitation, recurrence, and re-entry. 34881

(G) The Workgroup ceases to exist one year after the 34882  
effective date of this section. 34883

**Section 752.10. MORATORIUM ON STRS MITIGATING RATE 34884**

Notwithstanding division (D) of section 3305.06 and section 34885  
3305.061 of the Revised Code, the percentage of an electing 34886  
employee's compensation contributed to the State Teachers 34887  
Retirement System by a public institution of higher education 34888  
under division (D) of section 3305.06 of the Revised Code to 34889  
mitigate any financial impact of an alternative retirement program 34890  
on the retirement system shall not exceed four and one-half per 34891  
cent. The percentage shall be effective until July 1, 2015. 34892

**Section 752.20. ORSC STUDY OF ARP MITIGATING RATE 34893**

(A) The Ohio Retirement Study Council shall study the 34894  
applicability, operation, and efficacy of the percentage of an 34895  
electing employee's compensation contributed by a public 34896  
institution of higher education under division (D) of section 34897  
3305.06 of the Revised Code to mitigate any financial impact of an 34898  
alternative retirement program on the Public Employees Retirement 34899  
System, State Teachers Retirement System, and School Employees 34900  
Retirement System and make recommendations on any changes in 34901  
determining the appropriate mitigating rate. The study shall 34902  
research the historical impact of the mitigating rate and whether 34903  
its purpose is being served. 34904

(B) Not later than December 31, 2014, the Council shall 34905  
prepare and submit to the Governor, the President of the Senate, 34906  
and the Speaker of the House of Representatives a report of its 34907  
findings and recommendations. 34908

**Section 757.20. (A) As used in this section: 34909**

(1) "Certificate owner" and "qualified rehabilitation expenditures" have the same meanings as in section 149.311 of the Revised Code. 34910  
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(2) "Taxpayer," "tax period," "excluded person," "combined taxpayer," and "consolidated elected taxpayer," have the same meanings as in section 5751.01 of the Revised Code. 34913  
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(3) "Pass-through entity" has the same meaning as in section 5733.04 of the Revised Code. 34916  
34917

(B) A taxpayer that is the certificate owner of a rehabilitation tax credit certificate issued under section 149.311 of the Revised Code may claim a credit against the tax levied by section 5751.02 of the Revised Code for tax periods ending on or before June 30, 2015, provided that the taxpayer is unable to claim the credit under section 5725.151, 5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the Revised Code. 34918  
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The credit shall equal the lesser of twenty-five per cent of the dollar amount of the qualified rehabilitation expenditures indicated on the certificate or five million dollars. The credit shall be claimed for the calendar year specified in the certificate and after the credits authorized in divisions (A)(1) to (4) of section 5751.98 of the Revised Code, but before the credits authorized in divisions (A)(5) to (7) of that section. 34925  
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If the credit allowed for any calendar year exceeds the tax otherwise due under section 5751.02 of the Revised Code, after allowing for any other credits preceding the credit in the order prescribed by this section, the excess shall be refunded to the taxpayer. However, if any amount of the credit is refunded, the sum of the amount refunded and the amount applied to reduce the tax otherwise due for that year shall not exceed three million dollars. The taxpayer may carry forward any balance of the credit in excess of the amount claimed for that year for not more than 34932  
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five calendar years after the calendar year specified in the 34941  
certificate, and shall deduct any amount claimed in any such year 34942  
from the amount claimed in an ensuing year. 34943

A person that is an excluded person may file a return under 34944  
section 5751.051 of the Revised Code for the purpose of claiming 34945  
the credit authorized in this section. 34946

If the certificate owner is a pass-through entity, the credit 34947  
may not be allocated among the entity's owners in proportions or 34948  
amounts as the owners mutually agree unless either the owners are 34949  
part of the same combined or consolidated elected taxpayer as the 34950  
pass-through entity or the director of development services issued 34951  
the certificate in the name of the pass-through entity's owners in 34952  
the agreed-upon proportions or amounts. If the credit is allocated 34953  
among those owners, an owner may claim the credit authorized in 34954  
this section only if that owner is a corporation or an association 34955  
taxed as a corporation for federal income tax purposes and is not 34956  
a corporation that has made an election under Subchapter S of 34957  
Chapter 1 of Subtitle A of the Internal Revenue Code. 34958

The credit authorized in this section may be claimed only on 34959  
the basis of a rehabilitation tax credit certificate with an 34960  
effective date after December 31, 2013, but before June 30, 2015. 34961

A person claiming a credit under this section shall retain 34962  
the rehabilitation tax credit certificate for four years following 34963  
the end of the latest calendar year in which the credit was 34964  
applied, and shall make the certificate available for inspection 34965  
by the tax commissioner upon request. 34966

**Section 757.40.** Notwithstanding division (D)(6) of section 34967  
149.311 of the Revised Code, the Director of Development Services 34968  
may issue a rehabilitation tax credit certificate under that 34969  
division during the biennium that includes fiscal years 2014 and 34970  
2015 only to the owner of a catalytic project that files with the 34971

Director an application for the certificate after the effective 34972  
date of this act but before December 1, 2014, and that will incur 34973  
or pay qualified rehabilitation expenditures in excess of 34974  
seventy-five million dollars on the catalytic project. All terms 34975  
used in this section have the same meanings as in section 149.311 34976  
of the Revised Code. 34977

**Section 757.50.** The amendment by this act of section 5709.12 34978  
of the Revised Code applies to tax year 2014 and every tax year 34979  
thereafter. 34980

**Section 757.70.** The amendment by this act of section 5703.052 34981  
of the Revised Code applies to any refund that has not been fully 34982  
recovered before the effective date of this act. 34983

**Section 757.80.** (A) Notwithstanding division (A)(31) of 34984  
section 5747.01 of the Revised Code, for taxable years beginning 34985  
in 2014, deduct seventy-five per cent of the taxpayer's Ohio small 34986  
business investor income, the deduction not to exceed \$93,750 for 34987  
each spouse if spouses file separate returns under section 5747.08 34988  
of the Revised Code or \$187,500 for all other taxpayers. No 34989  
pass-through entity may claim a deduction under this section. 34990

This section does not apply to any taxable year beginning 34991  
before or after 2014. 34992

(B) For the purposes of section 5747.21, 5747.22, and 5748.01 34993  
of the Revised Code, the deduction allowed under this section is a 34994  
deduction under division (A)(31) of section 5747.01 of the Revised 34995  
Code. 34996

(C) For the purposes of this section, "Ohio small business 34997  
investor income" has the same meaning as in division (A)(31) of 34998  
section 5747.01 of the Revised Code. 34999

**Section 806.10.** The items of law contained in this act, and 35000  
their applications, are severable. If any item of law contained in 35001  
this act, or if any application of any item of law contained in 35002  
this act, is held invalid, the invalidity does not affect other 35003  
items of law contained in this and their applications that can be 35004  
given effect without the invalid item of law or application. 35005

**Section 812.20.** The amendment, enactment, or repeal by this 35006  
act of the sections listed below is exempt from the referendum 35007  
under Ohio Constitution, Article II, Section 1d and section 1.471 35008  
of the Revised Code and therefore takes effect immediately when 35009  
this act becomes law or, if a later effective date is specified 35010  
below, on that date. 35011

Sections 501.10, 512.10, 512.20, 512.30, 512.40, 610.20, 35012  
610.21, 640.10, 640.11, 751.40, 751.120, 751.140, and 812.20 of 35013  
this act. 35014

**Section 812.30.** Except as otherwise provided in this act, the 35015  
amendment, enactment, or repeal by this act of a section is 35016  
subject to the referendum under Ohio Constitution, Article II, 35017  
Section 1c and therefore takes effect on the ninety-first day 35018  
after this act is filed with the Secretary of State, or if a later 35019  
effective date is specified below, on that date. 35020

**Section 812.50.** Sections 4715.14, 4723.486, 4725.16, 4729.12, 35021  
4730.48, and 4731.281 of the Revised Code, as amended by this act, 35022  
and section 4729.861, as enacted by this act, shall take effect 35023  
January 1, 2015. 35024

**Section 812.60.** Sections 4715.30, 4715.302, 4723.28, 35025  
4723.487, 4725.092, 4725.19, 4730.25, 4730.53, 4731.055, and 35026  
4731.22 of the Revised Code, as amended by this act, shall take 35027

effect April 1, 2015. 35028

**Section 812.70.** The amendment by this act of section 5739.05 35029  
of the Revised Code takes effect on November 3, 2014. 35030

**Section 815.10.** The General Assembly, applying the principle 35031  
stated in division (B) of section 1.52 of the Revised Code that 35032  
amendments are to be harmonized if reasonably capable of 35033  
simultaneous operation, finds that the following sections, 35034  
presented in this act as composites of the sections as amended by 35035  
the acts indicated, are the resulting versions of the sections in 35036  
effect prior to the effective date of the sections as presented in 35037  
this act: 35038

Section 133.07 of the Revised Code is presented in this act 35039  
as a composite of the section as amended by both Am. Sub. H.B. 699 35040  
and Sub. S.B. 126 of the 126th General Assembly. 35041

Section 4715.14 of the Revised Code as amended by both Sub. 35042  
H.B. 190 and Sub. H.B. 215 of the 128th General Assembly. 35043

Section 4723.487 of the Revised Code as amended by both Sub. 35044  
H.B. 303 and Sub. S.B. 301 of the 129th General Assembly. 35045

Section 4725.16 of the Revised Code as amended by both Am. 35046  
Sub. H.B. 59 and Am. Sub. H.B. 98 of the 130th General Assembly. 35047